



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

**ORDINANCE REVIEW COMMITTEE
MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room 2
Okemos, Michigan 48864**

Minutes

September 10, 2008
10:00 a.m.

MEMBERS PRESENT

Cyndie Drago
Carole Elliott, Commissioner
Dave Hagey, Chairperson and Commissioner
Chuck Meehan

MEMBERS ABSENT

Kevin Gillette (with advance notice)
Donald Lauderbaugh
Chuck Patterson (with advance notice)
Donald Westphal (with advance notice)
Larry Wilson (with advance notice)

OFFICE OF LOCAL GOVERNMENT AND CONSUMER SERVICES

Kevin DeGroat, Regulatory Specialist

OTHER ATTENDEES

Tami Arsenault, Allendale Township*
Phillip Brummel, Allendale Township Zoning Administrator*
Cindi Osman, City of Holland*
Ralph Welton, City of Inkster*
Kenneth Cole, GCSI, representing the City of Inkster*
Michael Lockman, Assistant Attorney General

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All attendees* fielded questions and explained their rationales for approving the proposed provisions of their respective municipalities' manufactured housing community rental inspection and registration ordinances. Mr. Lockman answered the Committee members' and attendees' inquiries about the applying Section 7(1) of the Mobile Home Commission Act to the (written) justification, jurisdictional purview, review and enforceability of the ordinance submissions. He specifically discussed the evaluative criteria, under Section 7(1), for determining (1) whether an ordinance standard relates to a specific section of the Act or code; (2) whether the standard is higher than the Act or code; (3) whether it is arbitrary, unreasonable, or not in the public interest; and (4) whether and why the standard would warrant recommending disapproval. A Bureau memo explaining the procedures summarized by Mr. Lockman is attached for your convenient review.

CALL TO ORDER AND DETERMINATION OF QUORUM

The meeting was called to order at 10:05 a.m. by Mr. Hagey.

MANUFACTURED HOUSING COMMUNITY RENTAL INSPECTION/REGISTRATION ORDINANCES

CITY OF HOLLAND (OTTAWA COUNTY)

The Committee determined that this re-submitted 5/14/08 ordinance comprises a higher standard than Section 17(2) of the Act, which provides that "a local government may not make an inspection unless it has reason to believe that this (The Mobile Home Commission) act, the code, or rules promulgated pursuant to the act were violated." It found that its provisions, deemed by the City to apply to manufactured housing communities, pursuant to ordinance Sections 14-2 (d) and 14-4.33, were not related to a specific section of the mobile home code, as required by Section 7(1) of the Act, but instead were **construed to override** Section 17(2). The Committee discovered evidence of this in Section 14-3 (d) of the ordinance, which states that: "In any case where a provision of this code conflicts with a provision of any other ordinance or code of the City of Holland and the other ordinance or code establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of **this (Holland's) code** shall prevail." Accordingly, the Committee concurred not to recommend the proposal's approval, because its intended enforceability would supersede the Act, which the Committee considers a power reserved for the Legislature. The Committee instead recommended referring this proposal (denied 6/11/08) to the Commission for re-consideration with the attached procedures discussed above.

ALLENDALE TOWNSHIP (OTTAWA COUNTY)

For the preceding reasons, the Committee recommended referring this re-submitted 5/9/08 rental inspection ordinance (denied on 6/11/08 and tabled on 8/13/08) back to the Commission for re-consideration. The 31-page proposal, comprised of a 12-page Rental Housing Registration Ordinance (2004-15); a six-page Property Maintenance Code (2005-01); and a 13-page inspector checklist (2-10-04), features referenced sections. The collective phrasing in Sections 5, 5(b)(1), 5(b)(2), 5(c)(1), 5(c)(2) and 6(a)(4) {pp. 5, 6 & 8} which reads: "***shall comply with ...or violates the standards or the provisions of any ordinance adopted by the Township or any state law***"

triggers the same local inspection standard that preempts without legislative authority the Department's inspection authority conferred by Section 17(2) of the Act. Moreover, referenced Chapters 5 through 7, cited in Section 404.4.5, p. 7, checklist, were not presented for review, precluding a determination on whether they relate to a specific section of the code, under Section 7(1).

CITY OF INKSTER (WAYNE COUNTY)

The Committee recommended referring 8/19/08 amendment 8-04 (to a proposal previously tabled on 8/13/08) to the Commission, despite its added reference in Section 4 (B), p. 3, to applicable federal housing codes. Again, the Section 17(2) statutory issue of local manufactured housing inspection purview in code-governed communities prompted the Committee not to recommend approval, but to defer to the Commission's judgment.

REMAINING ORDINANCE

ACME TOWNSHIP (GRAND TRAVERSE COUNTY)

The Committee recommended that the Commission approve, per staff's analysis and by vote, the provisions below. It recommended denial of the accordingly designated sections and did not review indicated portions of the proposal that contained referenced standards not submitted in their entirety, or which were not related to a specific section of the mobile home code, as required by Section 7(1) of the Act:

Ex 1: Proposed Article VIIC, pp. 1-14:

Table of Contents Section Reference 1450, Building Height, p. 2, is not in the public interest and, accordingly, DENIED, because it references a section not provided in the ordinance.

Section 100, p. 4, is APPROVED if the language after the words "(the Act)" is revised to read: "shall comply with standards established and referenced in the Act and the administrative rules and the Article."

Section 450, p. 5, is DENIED because it does not reference a specific section of the code, as required by Section 7(1) of the Act.

Section 800, p. 6, first sentence, is APPROVED. The remaining language is beyond the jurisdiction of the Act.

The remainder of this ordinance is part of the approved Model Ordinance.

Section 6.5.2 (2) (**Ex 2**) is DENIED, because the Commission could not determine from the justification presented by the Township which submitted sections of Section 6.5.2 were applicable to a specific section of the code, pursuant to Section 7(1) of the Act. Consequently, the reference is not in the public interest.

Section 6.5.3 (**Ex 2**) is DENIED, because the Commission could not determine from the justification presented by the Township which submitted sections of Section 6.5.3 and referenced Article VII were higher standards applicable to a specific section of the code, pursuant to Section 7(1) of the Act. Consequently, the reference is not in the public interest. See the analysis of Article VII (**Ex 3**) for details.

Ex 3

Section 7.1.3, p. 56, is DENIED, because the clause, “and other areas as may be designated by the Acme Township Board” essentially gives that board unilateral authority to establish sidewalks and their standards in manufactured housing communities and is not in the public interest, notwithstanding the justification representing the contrary. The Commission considers the qualifying language in Rule R125.1928 stating, “If a developer provides sidewalks...” to mean that sidewalk installation is optional for the community owner.

Section 7.2.1, p. 57, is a standard that warrants identification with a specific standard of the code. Consequently, it is remanded to the township, absent written justification regarding the referenced Comprehensive Development Plan (**Ex 4?**)

Section 7.2.3 is DENIED, as not in the public interest, absent definitive correlation to a specific section of the code and justification failing to explain how the standards of subsections 1-3 and 5 do not supersede those setbacks established in governing Rule R125.1941(1). Required rear and side yards are not established in the code.

Section 7.2.5, pp. 56-57, is DENIED, being not in the public interest. This topic is not related, as required, to a specific section of the code.

Section 7.2.8 (2), p. 58, is DENIED, because it exceeds, despite the written justification, the screening standard of Rule R125.1945. The landscaping provision of Subsection 2, which comprises an elaborated form of screening, does not, as required, relate to a specific section of the code. The provision also references a code-unspecific general soil suitability standard. Neither reference is in the public interest, per Section 7(1) of the Act.

Section 7.2.10, p. 59, is DENIED as a higher standard than Rule R125.1920(2), without definition, explanation and justification. It does not, as required, reference a specific section of the code.

Section 7.5.3 (1) (d), p. 67, is APPROVED.

Section 7.5.6, pp. 76-79, is DENIED, for the reasons explained in the analysis of Subsection 2 of Section 7.2.8.

Section 7.9, pp. 87-92, is DENIED, absent explanation of how the Township proposes to enforce specific code provisions of its proposed six-page lighting regulations (pp. 87-92) to the illumination of community areas specified in subsections (b) and (c) of Rule R125.1929. These subsections merely require at least .15 footcandles of illumination at road intersections and crosswalks and at least .05 footcandles of illumination on roads, parking bays and sidewalks. To more accurately surmise what more the Township seeks manufactured housing communities to do to comply with the astronomical precepts of these higher regulations, the Commission needs to know whether simply the use of “full cut-off high pressure sodium lighting fixtures” will satisfy Township requirements in these areas, or whether a separate illumination engineered site plan—an additional higher standard also suggested by your consultant—is needed, as well. The Commission understands, however, that it may reasonably be within the public interest to apply the proposed regulations to developers who want to install sophisticated multi-purpose lighting systems for commercial advertising, recreational venues, or other “higher-tech” displays.

The cover letter for this submission indicates that many of the aforementioned sections were proposed for review. This analysis “presumes” that sections of this ordinance not specifically cited or referenced herein do not govern manufactured housing communities. Other provisions that the Township may deem applicable would have to be identified in relation to a specific section of the manufactured housing code, justified, as outlined in Rule R125.1120, and submitted for review.

ADJOURNMENT

Chairperson Hagey adjourned the meeting at 2:00 p.m.

* * *



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

September 16, 2008

TO: Kevin DeGroat, Regulation Specialist
Ordinance Review Committee

FROM: Larry Lehman, Executive Director
Manufactured Housing Commission

SUBJECT: **Procedures for Ad Hoc Committee on Local Ordinances Filings**

Attached for your information are the recommended procedures for the Manufactured Housing Commission's (MHC) Ordinance Review Committee and all other MHC ad hoc committees. This information was provided to the Ordinance Review Committee at their last scheduled meeting on September 10, 2008.

If you have any questions or concerns, please feel free to contact me.

LL/bsc

Attachment

cc: Manufactured Housing Commission
Ordinance Review Committee Members
Michael Lockman, Asst. Attorney General
Irvin Poke, Director, BCC
Beth Aben, Deputy Director, BCC
Scott Fisher, Director, OLGCS
Charles Curtis, Asst. Chief, Building Division
Brenda Caron, Executive Secretary, MHC

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PROCEDURES FOR AD HOC COMMITTEE ON LOCAL ORDINANCES FILINGS

Section 7(1) of the Mobile Home Commission Act [Act] requires local governments with ordinance making powers to file standards related to mobile homes located within manufactured housing communities or seasonal communities to the Commission when such standards propose or contain a standard "that is higher than the standard provided in the Act" or rules. The section further provides that the Commission can, but is not required to, promulgate official rules establishing criteria for such submissions and procedures for such filings. The Commission has not done so. The section is produced immediately below for the convenience of the committee members. The underlining and bold face are added here for emphasis:

Sec. 7.

(1) A local government which proposes a standard related to mobile home parks or seasonal mobile home parks, or related to mobile homes located within a mobile home park or a seasonal mobile home park that is higher than the standard provided in this act or the code; or a standard related to the business, sales, and service practices of mobile home dealers, or the business of mobile home installers and repairers, that is higher than the standard provided in this act or the code shall file the proposed standard with the commission. The commission may promulgate rules to establish the criteria and procedure for implementation of higher standards by a local government. The commission shall review and approve the proposed standard unless the standard is unreasonable, arbitrary, or not in the public interest. If the commission does not approve or disapprove the proposed standard within 60 days after it is filed with the commission, the standard shall be considered approved unless the local government grants the commission additional time to consider the standard. After the proposed standard is approved, the local government may adopt the standard by ordinance. The ordinance shall relate to a specific section of the code.

In the absence of any rules or substantive criteria governing the matter, local government filings come to the Commission in various and differing forms. The most common form is that of a proposed ordinance. In some cases, the ordinance may have already been adopted. The purpose of this communication is to assist the Commission's Ordinance Review Committee in its work related to such matters by detailing steps that should be taken prior to bringing any such filing to the Commission for action. The steps detailed below take into account some but perhaps not all of the potential different kinds of filings that will be received by Commission staff. The chronology will likely be as follows:

- 1 A standard is mailed to the Commission offices with a request of some kind for Commission approval or action.
 - a. Action by Staff – assess the response i.e., – determine whether the materials supplied provide sufficient information from which a determination can readily be made that the proposed standard relates to a specific section of the Act or Code.
 - b. Action by Staff – if the standard[s] in the materials cannot be readily connected with a specific section of the Act or Code, a letter will be sent to the local

government requesting appropriate code references and further stating that the filing is deemed incomplete.

c. Action by Staff – if the submission provides sufficient information from which a determination can readily be made that the proposed standard relates to a specific section of the Act or Code, then put the matter on the agenda for this committee

2. Assessment by Committee as to whether the filing relates to a standard in the Act or Code.

a. Action by Staff – advise the Committee as to how the matter got here [basically review staff steps in #1a-c above]

b. Action by Committee – discuss whether the standard in the proposal relates to a specific section of the Act or Code

3. Assuming the standard does relate to a standard in the Act or Code, make a determination [to be presented ultimately to the Commission] as to whether said standard or standards are higher than that or those in the Act or Code

4. Assuming that the standard does relate to a standard in the Act or Code and further assuming that the standard or standards are higher than those in the Act or Code, make a determination [to be presented ultimately to the Commission] whether said standard[s] is either unreasonable, arbitrary, or not in the public interest.

Please Note: Section 7(1) does not prohibit a local government from implementing standards related to mobile homes that are higher than those contained in the Act or Code. Rather, Section (7) merely permits the Commission to disapprove of such standards and prevent them from becoming enforceable if the Commission finds that the higher standard[s] are unreasonable, arbitrary, or not in the public interest

5. Make a recommendation to the Commission. If the recommendation is to disapprove the standard based on a conclusion that the standard is unreasonable, arbitrary, or not in the public interest, provide the Commission with an explanation as to why.

a. Action by Staff – Notify the local government that its request to have the standard approved will be filed with the Commission at its meeting to be held on a date certain.

b. Action by Staff – Request that the Commission Secretary place the matter on the Commission agenda for its public meeting.

Final Note: Section 45 of the Act contains an instruction to the Commission [and the Courts] as to how the Act is to be interpreted which instruction has particular application to section 7(1) as follows:

Sec. 45(2) This act shall not be construed to prohibit a municipality from enforcing its local ordinances or from taking any other appropriate action to protect the public health, safety, or welfare as authorized by law or its charter.

City of Holland

May 14, 2008

Kevin DeGroot
Michigan Department of Labor & Economic Growth
Bureau of Construction Codes
Building Division
P.O. Box 30254
Lansing, MI 48909

RE: Submission of City of Holland Rental Inspection Ordinance for Manufactured Housing Commission approval.

Dear Mr. DeGroot,

Enclosed please find a copy of the Housing Property Maintenance ordinance passed by Holland City Council in January of 1986. The intent of this ordinance was to set minimum standards for existing structures, and to establish a program where residential property occupied by someone other than the owner, would be inspected on a routine basis.

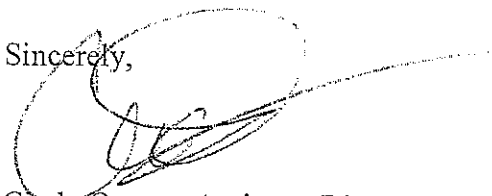
Prior to the publication of Technical Bulletin 51, the city included Manufactured homes in parks where the person who owned the home was not the same person residing in the home in the inspection program. Since publication however, I understand that we need the Commissions approval to enforce this ordinance.

Please consider this letter as a formal request for the commission to review and approve the enclosed ordinance.

To make clear our intent, we do not intend to inspect all the manufactured homes in the park. Just the units that are occupied by someone other than the owner of home.

If you have any questions, or need additional information please do not hesitate to contact me.

Sincerely,



Cindy Osman, Assistant Director
Community and Neighborhood Services
City of Holland

616-355-1330
c.osman@cityofholland.com

Chapter 14 HOUSING*

*Cross reference(s)--Buildings, Ch. 6; occupying boats in harbor for residence purposes, § 13-16; public lodging houses and residential care facilities, Ch. 26; trailers and trailer parks, Ch. 35.

ARTICLE I. IN GENERAL*

*State law reference(s)--Housing generally, M.S.A., § 5.2771 et seq.

Sec. 14-1. Tax exemption established by certain state law not applicable to housing projects within city.

In accordance with subsection (5) of section 15a of Act No. 346 of the Public Acts of 1966, as amended, and by Act No. 334 of the Public Acts of 1968, as amended by Act No. 109 of the Public Acts of 1969, the tax exemption established in subsection (1) of section 15a of Act No. 346 of the Public Acts of 1966, as amended, shall not apply to all or any class of housing projects within the boundaries of the city to which such subsection (1) applies

(Ord No 574)

ARTICLE II. HOUSING-PROPERTY MAINTENANCE CODE*

*Cross reference(s)--Buildings generally, Ch. 6

State law reference(s)--Housing generally, M S A., § 5.2771 et seq

DIVISION 1. ADMINISTRATION AND ENFORCEMENT

Sec. 14-2. Short title; purpose; scope; adoption of BOCA provisions.

- (a) *Short title* This article shall be known as the Minimum Properties Standards Code of the City of Holland for all structures and properties and is herein referred to as "the Housing-Property Maintenance Code" or "this article."
- (b) *Purpose* The purpose of this article is to protect the public health, safety and welfare in buildings and on the premises as hereinafter provided by:
 - (1) Establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; for safe and sanitary maintenance; and for cooking equipment in all structures now in existence;
 - (2) Fixing the responsibilities of owners, operators and occupants of all structures; and

(3) Providing for administration, enforcement and penalties.

- ✓ (c) *Scope generally.* The provisions of this article shall apply to all structures and premises which are now, or may become in the future, substandard with respect to structure, premises, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper eating, unsanitary conditions, overcrowding or welfare of their occupants. The existence of such conditions, factors or characteristics adversely affects public safety, health and welfare and leads to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum standards.
- (d) *Applicability to travel trailers and mobile homes.* All moveable units used for human occupancy, and the areas, grounds or parcels on which they are located, insofar as they are applicable thereto shall comply with the requirements of this article.
- (e) *Adoption of appendix provisions of BOCA Basic Housing-Property Maintenance Code.* Pursuant to the power granted to cities by section 3K of Act 279 of the Public Acts of 1909, as amended, the provisions of appendix B of the First Edition of the 1984 BOCA Basic Housing-Property Maintenance Code, including any future amendments or deletions thereto, are hereby adopted and incorporated by reference. The application and interpretation of the provisions hereafter set forth shall be governed by the provisions contained therein.

(Ord. No. 862)

Sec. 14-3. Applicability of article to related ordinances and existing buildings.

- ✓ (a) *Generally.* Every portion of a building or premise used or intended to be used shall comply with the provisions of this article, irrespective of when such building shall have been constructed, altered or repaired, except as hereinafter provided
- (b) *Building Code.* Any alterations to buildings, or changes of use therein, which may be caused, directly or indirectly, by the enforcement of this article shall be done in accordance with applicable sections of the Building Code of the city
- (c) *Zoning law.* Nothing in this article shall permit the establishment or conversion of a multifamily dwelling in any zone district except where permitted by the zoning law, or the continuation of such non-conforming use in any zone except as provided therein.
- (d) *Conflict with other ordinances.* In any case where a provision of this code conflicts with the provision of any zoning, building, fire, safety, or health ordinance or code of the City of Holland, the provision which establishes the higher standard for the promotion and protection of safety and health of the people shall prevail. In any case where a provision of this code conflicts with a provision of any other ordinance or code of the City of Holland and the other ordinance or code establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this code shall prevail. In any case where a provision of this code conflicts with the provision of any other ordinance or code of the City of Holland and the provisions of this code and the provisions of the other ordinance or code establish comparable standards for the safety and health of the people, the enforcing officer shall allow compliance with

either code or ordinance.

- (e) *Existing buildings.* This article establishes minimum requirements for the initial and continued occupancy of all buildings and structures and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities, except as provided in this section.
- (f) *Existing remedies.* Nothing in this article shall be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary

(Ord. No. 862; Ord. No. 1051, 5-6-92)

Sec. 14-4. Enforcement authority.

- (a) *Enforcing officer.* It shall be the duty and responsibility of the department of environmental health of the city to enforce the provisions of this article as herein provided. The term "enforcing officer" shall mean the director of the department of environmental health of the city or his duly authorized representative.
- (b) *Coordination of enforcement.* Inspection of premises and the issuing of orders in connection therewith under the provisions of this article shall be the exclusive responsibility of the enforcing officer. Wherever, in the opinion of the enforcing officer, it is necessary or desirable to have inspections of any condition by any other department, he or she shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders, to the extent reasonably practicable under the circumstances. No order for correction of any violation under this article shall be issued without the approval of the enforcing officer.
- (c) *Administrative liability.* Except as may otherwise be provided by the state statute, local law or ordinance, an officer, agent or employee of the city charged with the enforcement of this article shall not render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this article. A person who institutes or assists in the prosecution of a criminal proceeding under this article shall not be liable for damages hereunder, as long as the person who institutes or assists in the prosecution has reasonable cause to believe that the party accused or prosecuted was guilty of any unlawful act or omission. Any suit brought against any officer, agent or employee of the jurisdiction, as a result of any act required or permitted in the discharge of his or her duties under this article, shall be defended by the legal representative of the jurisdiction until the final determination of the proceedings
- (d) *Inspections.* The enforcing officer may make or cause to be made inspections to determine the conditions of all structures and premises in order to safeguard the safety, health and welfare of the public under the provisions of this article.
- (e) *Right of entry.* When an inspection shall be made, the enforcing officer may request permission to enter the premises at any reasonable time for the purpose of performing his or her duties under this article. Permission to access the premises may be granted by the owner of the premises, his or her agent, a tenant occupying the premises or any other occupant of the premises. If there is

an emergency, then the enforcing officer shall have the right to enter at any time.

- (f) *Warrants for nonemergency situations.* In a nonemergency situation where the owner, his or her agent, a tenant or other occupant of the premises demands a warrant for the inspection of the premises, the enforcing officer shall obtain a warrant from a court of competent jurisdiction. The enforcing officer shall prepare the warrant, stating the address of the structure to be inspected, the nature of the inspection as defined in this article or other applicable acts, and the reason(s) for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g. complaint, compliance, etc.) established in this article and other applicable acts or in rules or regulations. The warrant shall also state that it is issued pursuant to this subsection, and that it is for the purposes set forth in this article and other acts which require that inspections be conducted. If the court finds that the warrant is in proper form and in accord with this subsection, then it shall issue the warrant forthwith. In the event of an emergency, no warrant shall be required.
- (g) *Access by owner.* Every tenant or other occupant of a property in the city shall give the owner thereof, or his or her agent or employee, access to any part of the premises at reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this article.

(Ord. No. 862; Ord. No. 1201, 10-1-97)

Sec. 14-4.1. Condemnation of dangerous or unsafe structures.

- (a) *Generally* Structures shall be condemned as dangerous structures or unsafe for human occupancy as herein provided
- (b) *Dangerous structures.* If all or part of any building or structure (including, among others, a fence, billboard or sign) or the equipment for the operation thereof (including, among others, the heating plant, plumbing, electric wiring, moving stairways, elevators and fire extinguishing apparatus) shall be found, in the opinion of the enforcing officer, to be in an unsafe condition or dangerous to life, limb or property, the enforcing officer shall proceed to have the same condemned pursuant to the applicable provisions of codes of the city or the state pertaining to unsafe structures
- (c) *Structures unfit for human occupancy.* Whenever the enforcing officer finds that any structure constitutes a hazard to the safety, health or welfare of the occupants or to the public because it lacks maintenance; or is in disrepair, unsanitary or vermin-infested; or lacks the sanitary facilities or equipment, or otherwise fails to comply with the minimum provisions of this article, but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure as hereinbefore provided, he may declare such structure as unfit for human occupancy and order it to be vacated.
- (d) *Unlawful structures.* If any structure, or any part thereof, is occupied by more occupants than permitted under this article, or was erected, altered or occupied contrary to law, such structure shall be deemed an unlawful structure, and the enforcing officer may cause such structure to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has

been made to conform to the law.

- (e) *Notice--Generally.* Notice of the declaration of any building under this article as unfit for human occupancy and the order to vacate it shall be served as provided in this article and such other codes or ordinances of the municipality pertaining to unsafe buildings.
- (f) *Same--Posting.* Any structure declared as unfit for human occupancy shall be posted with a placard by the building official. The placard shall include the following:
 - (1) The name of the city;
 - (2) The name of the authorized department having jurisdiction;
 - (3) The chapter and section of the code under which it is issued;
 - (4) An order that the structure, when vacated, must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;
 - (5) The date that the placard is posted; and
 - (6) A statement of the penalty for defacing or removing the placard.
- (g) *Same--Form.* Whenever the enforcing officer has declared a structure as unfit for human habitation, he shall give notice to the owner of such declaration and placarding of the structure as unfit for human occupancy. Such notice shall:
 - (1) Be in writing;
 - (2) Include a description of the real estate sufficient for identification;
 - (3) Include a statement of the reasons why it is being issued;
 - (4) State the time to correct the conditions; and
 - (5) State the time the occupants must vacate the structure.
- (h) *Same--Service.* Service of notice to vacate shall be as follows:
 - (1) By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
 - (2) By certified or registered mail addressed to the owner at his last known address, with postage prepaid thereon; or
 - (3) By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated
- (i) *Same--Unauthorized removal of placard or notice.* A person shall not deface or remove the placard from any structure which has been declared or placarded as unfit for human habitation, except by authority in writing from the enforcing officer.
- (j) *Vacating of placarded building.* Any structure which has been declared and placarded as unfit for human occupancy by the enforcing officer shall be vacated

within a reasonable time as required by the enforcing officer, and it shall be unlawful for any owner or operator to let any person continue to occupy or reside in structure, and a person shall not occupy any structure which has been declared or placarded by the enforcing officer as unfit for human occupancy after the date set forth in the placard.

- (k) *Written approval for occupancy of building.* A structure which has been declared or placarded as unfit for human occupancy shall not again be used for human occupancy until written approval is secured from the enforcing officer. The enforcing officer shall remove such placard whenever the defects upon which the declaration and placarding action were based have been eliminated.
- (l) *Furnishing copies of notice to other city departments or officials.* The enforcing officer may furnish a copy of each notice to vacate a building to the police department, fire department and any other designated official of the city concerned therewith.

(Ord. No. 862)

Sec. 14-4.2. Violations.

- (a) *Notice--Service.* Notice of violation shall be served upon the owner of record; provided, that such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally, or if he is not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion, who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, or, if the letter with the copy is returned showing it has not been delivered to him, by posting a copy thereof in a conspicuous place or on or about the structure affected by the notice
- (b) *Same--Contents.* Whenever the enforcing officer determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation, of any provision of this article he shall give notice of such violation or alleged violation to the person responsible therefor. Such notice shall:
 - (1) Be in writing;
 - (2) Include a description of the real estate sufficient for identification;
 - (3) Specify the violation which exists and the remedial action required; and
 - (4) Allow a reasonable time for the performance of any act it requires.
- (c) *Same--Noncompliance, legal action or proceeding.* In case any notice of violation is not complied with within the time set forth in the notice, the enforcing officer may request the city attorney to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation, ordering him:
 - (1) To restrain, correct or remove the violation or refrain from any further execution of work;
 - (2) To restrain or correct the erection, installation or alteration of such building;
 - (3) To require the removal or work in violation;

- (4) To prevent the occupation or use of the building, structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this article, or in violation of a plan or specification under which an approval, permit or certificate was issued;
 - (5) To comply with the penalty provisions of this article; or
 - (6) To pay the attorney fees and costs incurred by the city with respect to the action or proceeding at law or in equity and the administrative expense incurred by the city in efforts to enforce the notice of violation.
- (d) *Penalties.* Each violation of any provision of this article shall be a misdemeanor and shall be punishable by the penalties set forth in section 1-10 of this Code, and shall be subject to the nuisance proceedings referred to in such section.

(Ord. No. 862; Ord. No. 1080, 3-31-93)

Sec. 14-4.3. Appeals.

(a) *Administrative variance.*

- (1) *Ceiling height requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing ceiling height requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:
 - a. An inspection of the property reveals that it fully complies with this Code (except as to ceiling height) including light and ventilation requirements and floor area to height ratio requirements;
 - b. The smoke detectors at the property are hardwired and do not rely on batteries for a power source;
 - c. Any ceiling light fixtures in the rooms covered by the variance request are recessed;
 - d. The applicant does not request a variance greater than three (3) inches from the ceiling height requirements under this Code.
- (2) *Guardrail height requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing guardrail height requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:
 - a. An inspection of the property reveals that it fully complies with this Code (except as to guardrail height);
 - b. The surface area below and/or immediately adjacent to the balcony, deck, landing, porch, stair or walking surface on which is located the guardrail for which the variance is sought is not hard surfaced; that is, it shall not be a surface created out of asphalt, concrete, gravel, wood, or other hard surface material;
 - c. The guardrail for which the variance is sought is at least twenty-four (24) inches in height or more;
 - d. The general pattern of traffic on the balcony, deck, landing, porch,

stair or walking surface is not right along the portion of the balcony, deck, landing, porch, stair or walking surface where the guardrail for which the variance is sought is located;

- e. The surface area of the balcony, deck, landing, porch, stair or walking surface on which is located the guardrail for which the variance is sought is not more than six (6) feet directly above the floor, grade, ground or surface area below, measured perpendicularly; and

- f. Spindle spacing and handrail height requirements set forth in this Code are complied with.

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- (b) *Appeals.* Any owner or person who is aggrieved by the ruling or decision of the enforcing officer in any matter relative to an administrative variance or the interpretation or enforcement of any of the provisions of the housing-property maintenance code may appeal the decision or interpretation.
- (c) *Filing.* Such appeal must be filed with the appropriate authority in writing, within ten (10) days of the date of the issuance of the decision or interpretation. An appeal shall not be received if the city has commenced prosecution proceedings pursuant to section 14-2(c).
- (d) *Decision; appeal board.* The appeal shall be decided by the following method of procedure:
- (1) The city may appoint and establish an appeal board of five (5) regular members, who shall have the duty, responsibility and authority to decide the matters referred to them. In addition to the five (5) regular members, the city may appoint two (2) alternate members to the appeals board, who shall serve in the absence of regular members, pursuant to the rules and regulations adopted in accordance with section 14-4 40.
 - (2) The appeal board shall hold a public hearing to hear evidence of violations from the enforcing officer and the appellant. The appellant shall attend in person or may be represented by legal counsel.
 - (3) The appeal board shall render its decision not more than sixty (60) days after the conclusion of the hearing. The decision of the appeal board shall include findings of fact and conclusions of law based upon the evidence presented by the enforcing officer and appellant. Witnesses and other documentary evidence shall be permitted in the proceedings before the appeal board.
 - (4) The appeal board shall have the authority and jurisdiction to affirm, amend or reverse the decision or interpretation of the enforcing officer. The appeal board shall also have the authority and jurisdiction to grant a variance from the requirements of this chapter for any requirement if compliance with the requirement imposes undue burden upon the applicant due to unforeseen uses or circumstances or an alternate proposal will satisfy the spirit of the requirements of this chapter. The appeal board shall not have the authority to grant a variance from any of the requirements of this chapter unless it determines that the health, welfare, and safety of occupants of the affected property will not be compromised. The appeal board may not grant a variance from or waive

any fees or late charges.

(Ord. No. 862; Ord. No. 963, 9-21-88; Ord. No. 1124, 9-21-94; Ord. No. 1201, 10-1-97)

Sec. 14-4.4. Severability; saving clause.

- (a) *Severability.* If any section, subsection, paragraph, sentence, clause or phrase of this article shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article, which shall continue in full force and effect, and to this end the provisions of this article are hereby declared to be severable.
- (b) *Saving clause.* This article shall not affect violations of any other ordinance, Code or regulation of the city existing prior to March 13, 1985, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

(Ord. No. 862)

DIVISION 2. DEFINITIONS

Sec. 14-4.5. Generally.

- (a) *Scope.* Unless otherwise expressly stated, the terms listed in this division shall, for the purposes of this article, have the meanings indicated.
- (b) *Tense; gender; number.* Words used in the present tense include the future; words in the masculine gender include the feminine and neuter, and the singular number includes the plural and the plural the singular.
- (c) *Terms defined in other codes.* Where terms are not defined in this article and are defined in building, plumbing or mechanical codes, they shall have the same meanings ascribed to them in those codes.
- (d) *Terms not defined.* Where terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings, such as the context may imply.

(Ord. No. 862)

Sec. 14-4.6. Words and phrases defined.

For the purposes of this article, and in accordance with section 14-4.5, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Approved. As applied to a material, device or method of construction, approved by the Code official under the provisions of this article, or approved by other authority designated by law to give approval in the matter in question.

Basement. That portion of a building which is partly or completely below grade.

Building Code. The Building Code officially adopted by the city for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy

and maintenance of buildings and structures.

Building official. The director of the department of environmental health of the city, or his duly authorized representative.

Central heating. The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

Code official. The official who is charged with the administration and enforcement of this article, or any duly authorized representative.

Condemn. To adjudge unfit for use or occupancy.

Condemnation. The act of judicially condemning.

Dwellings.

- (a) *Boardinghouse.* A building arranged or used for lodging, with or without meals, for compensation and not occupied as a single-family unit.
- (b) *Dormitory.* A space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one room or in a series of closely associated rooms.
- (c) *Hotel.* Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied, for sleeping purposes by guests.
- (d) *Multi-family apartment house.* A building or portion thereof containing more than two dwelling units as a one-or two-family dwelling.
- (e) *One-family dwelling.* A building containing one dwelling unit with not more than five lodgers or boarders.
- (f) *Two-family dwelling.* A building containing two dwelling units with not more than five lodgers or boarders per family.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Enforcing officer. The director of the department of environmental health of the city, or his duly authorized representative.

Exterior property areas. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating or trapping; or by any other approved pest elimination methods.

Family. An individual or married couple and the children thereof, with not more than two other persons related directly to the individual or married couple by blood or marriage, or a group of not more than five unrelated (excluding servants) persons, living together as a single housekeeping unit in a dwelling unit.

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

Hotel. See "dwellings."

Infestation. The presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

Inventory checklist. Such written itemization of the condition of a dwelling unit as required by the Security Deposit Act, Michigan Statutes Annotated, section 26.1138(1) et seq.

Let for occupancy or let. To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person, who shall be the legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license.

Maintenance. Acts of repair and other acts to prevent a decline in the condition of grounds, structures and equipment such that the condition does not fall below the standards established by this article and other applicable statutes, codes and ordinances.

Motel. A hotel as defined in this section.

Multi-family (multiple) dwellings. See "dwellings."

Occupant. Any person having the right of possession or use of any premises, building or structure.

Openable area. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner/ownership. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. For the purposes of this article, ownership shall be presumed to be by the designated person or entity listed on the tax rolls maintained by the city for a structure or building, unless the enforcing officer is otherwise notified in writing.

Person. A person or other entity capable of owning a dwelling pursuant to the laws of the state.

Plumbing. The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the Plumbing Code.

Plumbing fixture. A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises and demands a

supply of water therefrom, or discharges used water, liquid-borne waste materials or sewage either directly or indirectly to the drainage system of the premises, or which requires both a water supply connection and a discharge to the drainage system of the premises.

Premises. A lot, plot or parcel of land, including the buildings or structures thereon.

Public nuisance. "Public nuisance" includes the following:

- (a) The physical condition or use of any premises regarded as a public nuisance at common law; or
- (b) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
- (c) Any premises which has unsanitary sewerage or plumbing facilities; or
- (d) Any premises designated as unsafe for human habitation or use; or
- (e) Any premises which is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure as to endanger life, limb or property; or
- (f) Any premises from which the plumbing, heating and/or other facilities required by this article have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or where the required precautions against trespassers have not been provided; or
- (g) Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
- (h) Any structure or building that is in a state of dilapidation, deterioration or decay or contains faulty construction; is overcrowded; is open, vacant or abandoned; is damaged by fire to the extent as not to provide shelter; or is in danger of collapse or failure and dangerous to anyone on or near the premises

Recreation room. A room, space, or area in a basement that meets the requirements for habitable space, and is used for purposes other than sleeping.

Renovation. The act of making a building and its facilities conform to present day minimum standards of sanitation, fire and life safety.

Residential building. A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided, except when classified as an institution under the building code.

Rooming house. Any residential building, or any part thereof, containing one (1) or more rooming units, in which space is let by the owner or operator to more than five (5) persons who are not members of a family (see "dwellings, boardinghouse").

Rooming unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish. Combustible and noncombustible waste materials, except garbage, and including the residue from the burning of wood, coal, coke and other combustible

materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Structure. That which is built or constructed, including, without limitation because of enumeration, buildings for any occupancy of use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

Supplied. Installed, furnished or provided by the owner or operator.

Ventilation. The process of supplying and removing air by natural or mechanical means to or from any space.

(a) *Mechanical.* Ventilation by power-driven devices.

(b) *Natural.* Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without wind-driven devices.

Workmanlike. Whenever the words "workmanlike state of maintenance and repair" are used in this article, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

Yard. An open, unoccupied space on the same lot with a building extending along the entire length of street or rear or interior lot line

(Ord. No 862; Ord. No 1023, 7-10-91)

Sec. 14-4.6-1. Additional definitions of words and phrases.

For purposes of this article and in accordance with section 14-4 5, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Bathing room. A room with a bathtub or shower and with a latching door so as to give privacy to a person in the room.

Bathroom. A room with a bathtub or shower, toilet, sink and with a latching door so as to give privacy to a person in the room.

Major violation. A major violation means any violation of the provisions of this article or any code adopted by the city which poses a hazard or risk to the health and safety of the occupants of a dwelling unit, including any violation that substantially affects the habitability of the dwelling unit.

Minor violation. A minor violation means any violation of this article which is not deemed a major violation.

Toilet room. A room with a toilet/water closet and with a latching door so as to give privacy to a person in the room. A toilet room must either contain within the room a sink supplied with hot and cold running water or such a sink must be located in close proximity to the exterior of the room.

Washroom. A room with a toilet, sink and with a latching door so as to give privacy to a person in the room.

(Ord. No. 961, 9-21-88; Ord. No. 1201, 10-1-97)

DIVISION 3. ENVIRONMENTAL REQUIREMENTS

Sec. 14-4.7. Generally.

All properties covered by this article, whether or not occupied, shall be maintained in a clean, safe, secure and sanitary condition, so as not to cause a blighting problem or to adversely affect the public health or safety.

Violations of this article causing a blighting problem or adversely affecting the public health or safety shall be violations of one (1) or more of the sections of this division.

(Ord. No. 862)

Sec. 14-4.8. Exterior premises.

- (a) *Sanitation.* All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from the accumulation of rubbish and garbage
- (b) *Containers.* Occupants shall store all garbage, vegetable wastes or other organic materials which can rot and produce odors in leakproof, approved containers in accordance with section 27-5 of this Code
- (c) *Grading and drainage.* All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon. "Stagnant water" is defined as any accumulation that has not dispersed within seven (7) days of the last recorded rainfall. Water retention areas and/or reservoirs approved by the code official are exceptions to this subsection.
- (d) *Pest control.* All exterior property and premises shall be kept free of circumstances which are harboring infestations of rodents or insects
- (e) *Accessory structures.* All accessory structures shall be maintained structurally sound and in good repair, so as to avoid a risk to public safety
- (f) *Fences and walls.* All fences and retaining walls shall be maintained structurally sound and in good repair, so as to avoid an imminent risk to public safety.
- (g) *Open fires.* Open fires shall be prohibited, except as specifically approved by the fire official.

(Ord. No. 862)

Sec. 14-4.9. Exterior structure.

- (a) *Generally.* The exterior of all structures shall be maintained in good repair, structurally sound and sanitary, so as not to pose a threat to the health, safety or welfare of the occupants and so as to protect the occupants from the adverse effects of the environment
- (b) *Street numbers.* Each structure to which a street number has been assigned

shall have the number so assigned displayed in a position easily observed and readable from the public right-of-way.

- (c) *Structural members.* All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.
- (d) *Exterior surfaces.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.
- (e) *Foundation walls.* All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.
- (f) *Exterior walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition or metal siding, shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration.
- (g) *Roofs and drainage.* The roof shall be structurally sound and tight and not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the building.
- (h) *Decorative features and accessories.* All cornices, entablatures, belt courses, corbels, terracotta trim, wall facings, canopies, awnings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (i) *Chimneys.* All chimneys and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weatherproofing materials.
- (j) *Stairs and porches.* Every stair, porch, fire escape, balcony and railings and other appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair.

Every flight of stairs which is more than four (4) risers high shall have handrails, which shall be located as required by the building code, and every open portion of a stair, landing or balcony which is more than thirty (30) inches above the floor or grade below shall have guardrails. Handrails shall be not less than thirty (30) inches nor more than thirty-eight (38) inches high, measured vertically above the nosing of the tread or above the floor of the landing or balcony. Guardrails shall be not less than thirty (30) inches high above the floor of the landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition. Intermediate rails shall be located as required by the building code. Handrails that form part of a guardrail shall have a height of not less than thirty-four (34) inches and not more than forty-two (42) inches.

- (k) *Common areas.* Common stairs, porches, fire escapes and railings shared by three (3) or more units shall be maintained free of hazardous conditions such as snow, ice, mud and other debris.
- (l) *Window frames and door frames.* Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.
- (m) *Windows and doors.* Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair. Every required window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.
- (n) *Openable windows.* At least one (1) window in each habitable room shall be capable of being easily opened. All openable windows shall be provided with window hardware capable of tightly securing the window.
- (o) *Insect screens.* During that period of time from May 15 to October 15, at least one (1) openable window in each habitable room shall be supplied with approved tight fitting screens of not less than sixteen (16) mesh per inch. Screen doors where provided, or if required to meet minimum standards of ventilation, shall also be supplied with tight fitting screens of not less than sixteen (16) mesh per inch.
- (p) *Door hardware.* Every exterior door and its hardware shall be maintained in good condition. Door locks on all doors entering dwelling units shall be in good repair and capable of tightly securing the door.
- (q) *Basement hatchways.* Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.
- (r) *Basement windows.* Every basement window which is openable shall be supplied with shields, storm windows or other material affording protection against the entry of rodents.

(Ord. No. 862; Ord. No. 1021, 7-10-91)

Sec. 14-4.10. Interior structure.

- (a) *Generally.* The interior of a structure shall be maintained in good repair, structurally sound and in a sanitary condition, so as not to pose a threat to the health, safety or welfare of the occupants and to protect the occupants from the environment.
- (b) *Structural members.* The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads. For the purposes of this section, a structural member means any part of a building which provides the principal strength, stability, integrity, shape and safety to the building including, but not limited to, plates, studs, joists, rafters, stringers, stairs, subflooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other

components essential to the strength, stability, integrity, shape and safety of the building.

- (c) *Interior surfaces.* Floors, walls (including windows and doors), ceilings and other interior surfaces shall be maintained in good, clean and sanitary condition. Excessively peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be repaired.
- (d) *Lead based paint.* Lead based paint with a lead content of more than one-half ($1/2$) percent shall not be applied to any interior or exterior surface of a dwelling unit, including fences and accessory structures. Existing interior and exterior painted surfaces of dwelling units that contain an excess of one-half ($1/2$) percent lead shall be removed or covered with paneling or other suitable covering approved by the enforcing officer.
- (e) *Bathrooms, etc.* Every bathing room, bathroom, toilet room and washroom surface shall be constructed and maintained to prevent the retention of moisture and to avoid the penetration of water to lower levels of the structure, and so as to permit such floor to be easily kept in a clean, sanitary condition. Every toilet shall be enclosed in a bathroom, toilet room or washroom as those terms are defined in section 14-4.6-1.
- (f) *Dampness.* In every building, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.
- (g) *Sanitation.* The interior of every structure and common areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage.
- (h) *Pest control.* The interior of all structures shall be kept free of circumstances which are [conductive to] harboring an infestation of insects or rodents. Infestations, when found, shall be promptly treated for the elimination thereof by a treatment program approved by the enforcing officer. Regular treatments shall continue until the infestation is eliminated. If the treatment program proves ineffective within a reasonable period of time, the enforcing officer may require the use of a more effective treatment program. After the infestation is eliminated, proper precautions shall be taken to prevent reinfestation.
- (i) *Exit doors.* Every door available as an exit shall be capable of being opened easily from the inside and without the use of a key.
- (j) *Stairs, porches and railings.* Stairs and other exit facilities shall be adequate for safety as provided in the building code.
- (k) *Exit facilities.* All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair, so as to be safe to use and capable of supporting the anticipated loads.
- (l) *Handrails and guardrails.* Every flight of stairs which is more than four (4) risers high shall have handrails which shall be located as required by the building code, and every open portion of a balcony, deck, landing, porch, stair or walking surface which is more than thirty (30) inches above the floor or grade below shall have guardrails. Handrails shall be not less than thirty (30) inches nor more than

thirty-eight (38) inches high, measured vertically above the nosing of the tread or above the surface of each stair upon which the handrail is located. Guardrails shall be not less than thirty (30) inches high, measured vertically above the nosing of the tread or above the floor of the balcony, deck, landing, porch, stair or walking surface upon which the guardrail is located. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition. Intermediate rails shall be located as required by the building code. Handrails that form part of a guardrail shall have a height of not less than thirty-four (34) inches and not more than forty-two (42) inches.

(Ord. No. 862; Ord. No. 1021, 7-10-91; Ord. No. 1201, 10-1-97)

DIVISION 4. LIGHT, VENTILATION AND SPACE REQUIREMENTS

Sec. 14-4.11. Generally.

- (a) *Scope.* All properties covered by this article shall meet minimum standards for the light, ventilation and space for the occupancy of a structure.
- (b) *Evidence.* Evidence of a violation of minimum standards for the light, ventilation and space requirements of structures shall be a violation of one (1) or more of the sections of this division.

(Ord. No. 862)

Sec. 14-4.12. Light.

- (a) *Habitable rooms.* Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be eight percent of the floor area of such room, except in kitchens, when artificial light may be provided in accordance with the provisions of the Building Code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. For the purposes of determining minimum lighting requirements, skylight areas shall be considered equivalent to window areas.

(Ord. No. 862)

Sec. 14-4.13. Ventilation.

- (a) *Habitable rooms.* Every habitable room shall have at least one window which can be easily opened or such other device as may be permitted under the Building Code, as will adequately ventilate the room. The total openable window area in every room shall be equal to at least forty-five percent of the minimum area size required for lighting in this article.
- (b) *Bathrooms.* Every bathroom and water closet compartment shall comply with the ventilation requirements for habitable spaces as required by this article; except,

that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or water closet compartment must be exhausted to the exterior and may not be recirculated to any space, including the space from which it is withdrawn

- (c) *Cooking facilities.* Cooking shall not be permitted in any sleeping room or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a sleeping room or dormitory unit.
- (d) *Mechanical ventilation.* Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilation system shall be maintained in operation during the occupancy of any structure or portion thereof. When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated shall not be recirculated to a different residential space or occupancy of dissimilar use from which it is withdrawn.
- (e) *Clothes dryer exhaust.* Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations.

(Ord. No. 862)

Sec. 14-4.14. Dwelling units.

- (a) *Separation of units.* Dwelling units shall be separate and apart from each other. Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces.
- (b) *Privacy.* Dwellings shall be designed to provide privacy and be separate from other adjoining spaces.
- (c) *Common access.* A habitable space, bathroom or water closet compartment which is accessory to a dwelling unit shall not open directly into or be used in conjunction with a room used for public purposes.
- (d) *Below grade rooms.* Rooms partially or completely below grade shall not be used as sleeping space, unless:
 - (1) Floors and walls are water-tight, so as to prevent entry of moisture;
 - (2) Total window area, total openable window area and ceiling height are in accordance with this article;
 - (3) Required minimum window area of every habitable space is entirely above the grade adjoining such window area; and
 - (4) Means of egress and emergency escape are provided in accordance with this article.

(Ord. No. 862)

Sec. 14-4.15. Space requirements generally.

- (a) *Prohibited use for sleeping purposes.* It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space or public space

- (b) *Minimum area for sleeping purposes.* Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor area for each occupant.
- (c) *Overcrowding.* Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area required by the following table:

*Minimum Occupancy Area
(in square feet)*

TABLE INSET:

Space	1-2 Occupant s	3-5 Occupant s	6 or More Occupant s
Living room	None req	120	150
Dining room	None req	80	100
Kitchen	50	50	60
Bedroom s	50 per occupant, with minimum of 70 for one occupant		

- (d) *Combined spaces.* Combined living room/dining room spaces and/or combined kitchen/dining room spaces will be construed as meeting the requirements of the above table if the total area is equal to that required for separate rooms and if the space is so located that it may practically function as a combination of the two (2) rooms
- (e) *Bathrooms.* Every room used as a bedroom shall have access to at least one (1) water closet without passing through another room used as a bedroom.
- (f) *Minimum ceiling heights.* Habitable (spaces) rooms, hallways, corridors and habitable basements shall have a ceiling height of not less than seven (7) feet (2,134 mm) measured to the lowest projection from the ceiling, except that in attics or top half stories the ceiling height shall be not less than seven (7) feet over not less than one-third ($1/3$) of the minimum area required by this Code when used for sleeping, studying, or similar activity. In calculating the floor area of attics or top half stories, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.
- (g) *Minimum room widths.* Every habitable space shall have a clear room width of not less than seven (7) feet; provided, that kitchens shall require a clear passage way of not less than three (3) feet between counters, appliances and/or walls.

(Ord. No. 862; Ord. No. 1021, 7-10-91; Ord. No. 1263, 9-15-99)

Sec 14-4.3
Ord # 148

DIVISION 5. PLUMBING REQUIREMENTS

Sec. 14-4.16. Fixtures and facilities.

- (A) *Scope.* This section covers the basic plumbing facilities and fixtures requirements

for dwellings covered by this division.

- (b) *Evidence of inadequate plumbing.* Evidence of inadequate plumbing facilities or fixtures shall be a violation of one (1) or more of the subsections of this section.
- (c) *Requirement for dwelling units.* Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy and are adequate for personal cleanliness and the disposal of human waste, and which shall be supplied and maintained in a sanitary, safe working condition.
- (d) *Water closet and lavatory.* Every dwelling unit shall contain within its walls a room separate from habitable spaces, which affords privacy and a water closet supplied with cold running water. A lavatory shall be placed in the same room as the water closet or located in another room in close proximity to the door leading directly into the room in which such water closet is located. The lavatory shall be supplied with hot and cold running water.
- (e) *Bathtub and shower.* Every dwelling unit shall contain a room which affords privacy to a person in such room and which is equipped with a bathtub or shower supplied with hot and cold running water.
- (f) *Kitchen sink.* Every dwelling unit shall contain a kitchen sink apart from the lavatory required under this article, and such sink shall be supplied with hot and cold running water.
- (g) *Requirement for rooming houses.* At least one (1) closet, lavatory basin and bathtub or shower properly connected to an approved water sewer system and in good working condition shall be supplied for each four (4) rooms within a rooming house, wherever such facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.
- (h) *Privacy.* Toilet rooms and bathrooms shall be designed and arranged to provide privacy.
- (i) *Direct access.* Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space, or to the exterior. At least one (1) toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.
- (j) *Accessibility in rooming houses, etc.* Toilet rooms and bathrooms serving rooming houses or dormitory units, unless located with such respective units or directly connected thereto, shall be provided on the same story with such units and be accessible only from a common hallway or passageway.
- (k) *Maintenance and construction of fixtures.* All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of approved nonabsorbent material.
- (l) *Connecting generally.* Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstruction, leaks and defects and capable of performing the function for which they are designed. All installations shall be in accordance with the provisions of the building code or plumbing code.
- (m) *Sanitary maintenance.* All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant, so as not to breed insects and rodents or

produce dangerous or offensive gases or odors

- (n) *Access for cleaning.* Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area about it.
- (o) *Connections to water system.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public water system or to an approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.
- (p) *Protection of water supply from contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture. Protection against backsiphonage must be provided for the water system.
- (q) *Adequate water supply.* The water supply system shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.
- (r) *Water heating facilities.* Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water and be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar unit, at a temperature of not less than one hundred (100) degrees Fahrenheit.
- (s) *Connections to sewage system.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (t) *Maintenance of plumbing stacks and waste and sewer lines.* Every plumbing stack and waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All installations shall be made in accordance with the provisions of the Building Code or Plumbing Code.

(Ord. No. 862)

DIVISION 6. MECHANICAL REQUIREMENTS

Sec. 14-4.17. Generally.

This division covers the basic mechanical requirements of dwellings covered by this article.

- (a) *Evidence of inadequate mechanical facilities.* Evidence of inadequate mechanical facilities shall be a violation of one (1) or more of the subsections of this section.
- (b) *Heating system.* Every structure shall be provided with a heating system capable of providing sufficient heat to all habitable rooms, bathing rooms, bathrooms, toilet rooms or washrooms and, in fact, operating during the hours that the area is occupied and required to be heated. "Sufficient heat" shall be defined as a room temperature of no less than sixty-five (65) degrees, as measured at a point

three (3) feet above the floor and three (3) feet from existing walls, from September 15 to May 15. In the event exterior temperatures fall below zero (0) degrees Fahrenheit and the heating system is operating at full capacity, "sufficient heat" shall be defined as a room temperature of not less than sixty (60) degrees Fahrenheit.

- (c) *Cooking and heating equipment.* All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions and kept functioning properly, so as to be free from fire, health and accident hazards. All installations shall be made in accordance with the provisions of the building code or other laws or ordinances applicable thereto

- (d) *Installation and maintenance of mechanical equipment.* All mechanical equipment shall be properly installed and safely maintained in good working condition, and be capable of performing the function for which it was designed and intended.
- (e) *Chimney, flue or vent.* All fuel-burning equipment shall be connected to an approved chimney, flue or vent.
- (f) *Clearances to combustible materials.* All required clearances to combustible materials shall be maintained.
- (g) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.
- (h) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.
- (i) *Unauthorized devices.* Devices purporting to reduce gas consumption by attachment to a gas appliance, to the gas supply line thereto or to the vent outlet or vent piping therefrom shall not be used, unless approved by a nationally recognized testing laboratory for such use and unless the installation is specifically approved by the enforcing officer.
- (j) *Fireplaces, etc.* Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to approved chimneys.
- (k) *Climate control.* When facilities for interior climate control (heating, cooling and/or humidity) are integral functions of structures used as dwelling units or other occupancies, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.
- (l) *Elevators--Maintenance.* Elevators shall be maintained to safely sustain the loads to which they are subject, to operate properly and to be free of physical and fire hazards.
- (m) *Same--Operation.* In buildings equipped with elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied, unless temporarily out of service for testing and servicing.

(Ord. No. 862; Ord. No. 1021, 7-10-91; Ord. No. 1201, 10-1-97)

DIVISION 7. FIRE SAFETY REQUIREMENTS

Sec. 14-4.18. Generally.

- (a) *Scope.* All properties covered by this article shall meet the minimum standards for fire safety, facilities and equipment as contained in this division.
- (b) *Evidence of violations.* Evidence of a violation of the minimum standards for fire safety facilities and equipment requirements of a structure shall be a violation of one (1) or more of the sections of this division.

(Ord. No. 862)

Sec. 14-4.19. Means of egress.

- (a) *Generally.* A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court or passageway leading to a public open area at grade.
- (b) *Direct exit.* Every dwelling unit or guest room shall have access directly to the outside or to an exit access corridor that leads directly to the outside.
- (c) *Locked doors prohibited.* All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from dwelling units, hotel units, lodging houses and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.
- (d) *Fire escapes.* All required and all existing fire escapes shall be maintained in working condition and structurally sound.
- (e) *Exit signs.* All exit signs shall be maintained illuminated and visible.
- (f) *Dual egress.* Every residential building (except for one- and two-family dwellings) exceeding two (2) stories in height above grade; not counting basements, shall be provided with not less than two (2) approved independent exits from each floor above the second floor, fully accessible from each occupancy on the floor.
- (g) *Exception.* Reserved
- (h) *Emergency escape from basement rooms.* Every sleeping room located in a basement shall have at least one (1) openable window or exterior door approved for emergency egress or rescue, or shall have access to two (2) approved independent exits

(Ord. No. 862; Ord. No. 1021, 7-10-91; Ord. No. 1022, 7-10-91)

Sec. 14-4.20. Accumulations and storage.

- (a) *Accumulations in stairways, doors, etc.* Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.
- (b) *Explosive or flammable matter.* Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as waste paper, boxes and rags, shall not be accumulated or stored on residential

premises, except in reasonable quantities consistent with normal usage.

- (c) *Prohibited location of residential units.* A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten (110) degrees Fahrenheit (forty-three (43) degrees Centigrade) or lower, except as provided for in the Building Code.

(Ord. No. 862)

Sec. 14-4.21. Fire resistance ratings.

Floors, walls, ceilings and other elements and components required to develop a fire resistance rating shall be maintained, so that the respective fire resistance rating of the enclosure, separation or construction is preserved.

(Ord. No. 862)

Sec. 14-4.22. Fire protection systems and equipment.

- (a) *Generally.* All fire protection systems and equipment shall be maintained in proper operating condition at all times.
- (b) *Fire alarms.* Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.
- (c) *Fire suppression systems.* Fire suppression systems shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint and not bent or damaged.
- (d) *Standpipe systems.* Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry and free of deterioration.
- (e) *Fire extinguishers.* All portable fire extinguishers shall be visible and accessible, and maintained in an efficient and safe operating condition.
- (f) *Hardwired smoke detectors.* Single- and multiple-station hardwired smoke detectors shall be installed and maintained in accordance with the manufacturer's installation specifications in the vicinity of all bedrooms and on each level within a dwelling unit, including basements. Single- and multiple-station hardwired smoke detectors shall not be required in dwelling units which are equipped throughout with an automatic residential sprinkler system. In addition to their required AC primary power source, all hardwired smoke detectors in all dwelling units shall have battery backup capabilities. The batteries shall be properly installed for use at all times so that the hardwired smoke detectors are usable when the AC primary power source is interrupted.
- (g) *Multiple detectors.* Where more than one (1) hardwired detector is required to be installed, the detector shall be wired in such a manner that the activation of one (1) alarm will activate all of the alarms in the dwelling unit.

(Ord. No. 862; Ord. No. 1201, 10-1-97)

Sec. 14-4.23. Fire doors.

All required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other unapproved hold-open devices is prohibited.

(Ord. No. 862)

DIVISION 8. ELECTRICAL REQUIREMENTS

Sec. 14-4.24. Generally.

- (a) *Scope* This division covers the basic electrical wiring requirements for dwellings covered by this article.
- (b) *Evidence of inadequate wiring* Evidence of inadequate electrical wiring of a dwelling covered by this article shall be a violation of one (1) or more of the subsections of this section.
- (c) *Entrances and exits* Entrances and exits shall be provided with illumination by exterior lighting outlets. Lighting outlets shall be controlled by interior wall switches, located for convenient and readily accessible use.
- (d) *Living rooms* Living rooms shall be provided with convenient duplex electrical receptacle outlets around the room, with at least one (1) duplex electrical outlet on each wall and a second duplex electrical outlet on each wall exceeding fourteen (14) feet in length.
- (e) *Kitchens* Kitchens shall be provided with either a wall or ceiling mounted light fixture, controlled by a wall switch, located for convenient and readily accessible use, nearest to the entrance to the room. Kitchens shall be provided with at least two (2) duplex electrical outlets, one (1) of which shall be adequate for operation of a refrigerator. Kitchens shall be provided with either gas service or an electrical circuit adequate for operation of a stove. Kitchens shall be provided with two (2) small appliance circuits with a minimum of two (2) grounding type duplex electrical outlets, both of which shall be a minimum of thirty (30) inches above the floor. In lieu of grounding type duplex electrical outlets, ground fault interrupter circuits may be used. Any new circuits for appliances shall be a minimum of twenty (20) ampere capacity.
- (f) *Bathrooms, washrooms, etc* Bathing rooms, bathrooms, toilet rooms and washrooms shall be provided with a wall or ceiling mounted lighting fixture, controlled by a wall switch. Bathrooms, toilet rooms which contain a sink, and washrooms shall be provided with one (1) or more grounding type duplex electrical outlet(s), which shall be at least thirty (30) inches above the floor, adjacent to the sink, and shall have a ground fault circuit interrupter.
- (g) *Habitable rooms* Habitable rooms shall be provided with convenient duplex receptacle outlets around the room, with a minimum of two (2) duplex receptacle outlets on separate walls. Any wall or ceiling mounted lighting fixtures shall be controlled by a wall switch located for convenient and readily accessible use, nearest the entrance to the room.
- (h) *Basements* Basements shall be provided with a minimum of one (1) lighting fixture for each three (3) hundred square feet of area or major fraction thereof. Each separate room of the basement shall have a minimum of one (1) lighting

fixture. Basements shall have one (1) or more ground fault circuit interrupter receptacles.

- (i) *Laundry areas.* Laundry areas shall be provided with a minimum of one (1) lighting fixture. Laundry areas shall be provided with a separate circuit with a grounding type receptacle outlet suitable for use of laundry appliances. In lieu of a grounding type receptacle outlet, a ground fault interrupter circuit may be used. If provided, a separate electrical circuit shall be adequate for the operation of an electrical dryer.
- (j) *Heating equipment.* Heating equipment, furnaces or heating systems requiring electrical energy for operation or control shall be provided with a separate grounded circuit. A disconnect switch shall be provided on or adjacent to the unit. Every furnace room shall be provided with a minimum of one (1) lighting fixture.
- (k) *Stairways and halls--Generally.* Hallways, stairways and/or each stair section shall be provided with lighting outlets controlled by wall switches located for convenient and readily accessible use. Switches shall not be located where it is necessary to use a darkened stair or stair section for their operation. All stairwells with six (6) steps or more shall be provided with multiple switch control, one (1) at the head and one (1) at the foot of the stairway.
- (l) *Same--Common stairways and hallways.* Common stairways and hallways which are shared by four (4) or more units shall be illuminated at all times with a minimum of five (5) lumens per square foot in the darkest portion of the normally travelled stairs and hallways.
- (m) *Service.* Service to existing residences shall be at least three-wire, one hundred (100) ampere capacity. Service equipment shall be dead front. Type "S" fuses shall be installed where fusible equipment is used.

If the existing service does not comply with the above and it is then necessary to increase service or change service equipment, the service shall be increased to a minimum of one hundred (100) amperes.

- (n) *Existing wiring and electrical equipment.* Existing wiring and electrical equipment shall be maintained and used as originally listed and designed to be used. All new wiring and electrical equipment used to replace existing inadequate wiring shall comply with the National Electrical Code (NEC) and all provisions of this article. Illegal or unapproved extensions to the wiring system in order to provide light, heat or power shall be evidence of an inadequate wiring system.

(Ord. No. 862; Ord. No. 1201, 10-1-97)

DIVISION 9. MAINTENANCE RESPONSIBILITY

Sec. 14-4.25. Generally.

- (a) *Scope.* The provisions of this division shall identify the person responsible for the maintenance of structures, and the equipment and premises thereof.
- (b) *Determination of person in violation.* A person may be determined to be in violation of this article if deemed to be a person responsible, under the following subsections of this section, for a property which is in violation of any of the

provisions of this article.

- (c) *Occupant.* When it can be established to the satisfaction of the enforcing officer that the occupant has caused, or permitted to occur, a circumstance which results in a property being in violation of one (1) or more of the provisions of this article, that occupant shall be deemed the person responsible for the property being in violation of this article. The Code official may use an applicable inventory checklist in making a determination as to the responsible party.
- (d) *Owner--Generally.* In all events where a circumstance exists which results in the property being in violation of one (1) or more provisions of this article, the owner shall be deemed the person responsible for the property being in violation of this article.
- (e) *Same--Additional responsibility.* In any event where an occupant shall be deemed the person responsible for the property being in violation of this article, the enforcing officer shall promptly notify the owner of the property of the determination of responsibility. The owner shall cause the occupant to cure the violations of this article. In the event the occupant shall fail to cure the violations of this article, the owner may take such action as shall be permitted by state law. If, within thirty (30) days after being notified by the enforcing officer, the owner has neither caused the occupant to cure the violations nor commenced action to evict the occupant, the owner shall be deemed the responsible person for the property being in violation of this article. The fact that an owner becomes a person responsible for the property being in violation of this article under this subsection does not release the occupant from liability as a responsible person pursuant to this article.
- (f) *Imminent risk.* In any event where the occupant is the person responsible for the property being in violation of this article, but there is an imminent risk to the health or safety of the public or of an occupant other than the person responsible for the property being in violation of this article, the owner shall promptly cure the defect on behalf of the responsible occupant. Such action on the part of the owner does not release the occupant of responsibility under this article. The owner may demand restitution from the responsible occupant for the cost of curing the violation of this article.
- (g) *City not responsible for cost reimbursement to owner.* Notwithstanding the foregoing provisions of this section, neither the city nor its enforcing officer and officials shall be responsible to prosecute and enforce the provisions of this article relating to monetary payments, restitution or reimbursement by a responsible occupant to an owner.

(Ord. No. 862)

DIVISION 10. REGISTRATION OF RENTAL DWELLINGS

Sec. 14-4.26. Required.

All dwellings, as defined by this article, which are leased or otherwise made available for rental purposes shall be registered by the owner with the department of environmental health of the city.

(Ord. No. 875)

Sec. 14-4.27. Time periods for registration.

- (a) All existing rental dwellings shall be registered within ninety (90) days of July 31, 1985.
- (b) All newly constructed or newly converted rental dwellings shall be registered within thirty (30) days of the issuance of the certificate of occupancy by the city.
- (c) A rental dwelling which is sold, transferred or conveyed shall be re-registered by the new owner within thirty (30) days of the date of the deed, land contract or other instrument of conveyance.
- (d) All existing nonrental dwellings which are converted to rental dwellings without issuance of a certificate of occupancy shall be registered within thirty (30) days from the date on which the property is first occupied for rental purposes.

(Ord. No. 875; Ord. No. 922, 4-1-87)

Sec. 14-4.28. Required information.

The owner of a rental dwelling shall submit the following information to the department of environmental health on forms prescribed by the department:

- (a) The address of the rental dwelling;
- (b) The number of rental units within the structure;
- (c) The name, residence address, business telephone and home telephone of the owner;
- (d) The name, residence address, business address and business telephone of the responsible agent designated by the owner; and
- (e) The date of registration of the rental dwelling

(Ord. No. 875)

Sec. 14-4.29. Fee; administrative late charge.

No registration fee shall be assessed to the owner of a rental dwelling by the city if registration complies with the provisions of this division. An administrative late charge as established by a resolution adopted by city council per dwelling unit, boarding house, dormitory, or rooming house, shall be paid by the owner if registration of a rental dwelling does not comply with the provisions of this division.

(Ord. No. 875; Ord. No. 919, 3-4-87; Ord. No. 1069, 10-7-92)

Sec. 14-4.30. Incorrect and outdated registration information.

An owner who fails to provide correct or current registration information shall be in violation of the provisions of this division.

(Ord. No. 875)

Sec. 14-4.31. Penalties.

A violation of this division shall be deemed a misdemeanor and shall be subject to the penalty provisions of section 1-10 of this code. In addition to the fine and costs imposed for violation of this division, the owner shall pay the administrative late charge prescribed in section 14-4.29.

(Ord. No. 875)

**DIVISION 11. DUTY OF LANDLORD TO PROVIDE
UNINTERRUPTED UTILITY SERVICE**

Sec. 14-4.32. Generally.

- (a) *Preamble.* The city affirms that it is in the best interest of the residents of the city to regulate and enforce the delivery of utility service to tenants without interruption when rental dwelling units are serviced by a single service utility connection. This section shall be used to interpret and construe the provisions of this article with the stated purpose and intent of this preamble.
- (b) *Definitions.* The following terms shall have the meanings set forth in this subsection for the purposes of subsections (c) and (d) of this section:
 - (1) *Billed customer/tenant.* A tenant or occupant of a dwelling unit who is the customer of record for utility service for a rental of dwelling
 - (2) *Nonbilled customer/tenant.* A tenant or occupant who is not the customer of record but who occupies a dwelling unit which receives the benefit of utility service provided to a billed customer/tenant or owner.
 - (3) *Utility service.* Gas, electric, water, sewer and such other services provided by a private or municipal utility, which are necessary for the habitability of a rental dwelling
 - (4) *Owner.* The person or entity having a legal and/or equitable interest in a rental dwelling unit.
- (c) *Duty of owner.* The owner of a rental dwelling shall contract, lease or otherwise make available utility services to nonbilled customer/tenants to be free from interruption, termination or shutoff caused by either of the following, or combinations thereof:
 - (1) A billed customer/tenant's or owner's failure to pay the amounts due for utility service; or
 - (2) An order from a billed customer/tenant or owner to voluntarily disconnect, terminate or shut off utility service.
- (d) *Limitations.* The provisions of this section shall not be construed to regulate or impair the owner's ability to contract with a tenant for the delivery and payment of utility service. This section shall designate the owner as the responsible person in the event the delivery of utility service is interrupted, terminated or shut off for a nonbilled customer/tenant as a result of the provisions of subsection (c) of this section.

- (e) *Duty of tenant or occupant.* The tenant or occupant of a rental dwelling shall not tamper with or shut off a heating system which is required to be operating under the provisions of 14-4 17(b).

(Ord. No. 878; Ord. No. 1021, 7-10-91)

DIVISION 12. CERTIFICATION OF RENTAL UNITS

Sec. 14-4.33. Definitions.

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Rental unit. Any dwelling, dwelling unit or mobile home which is leased, made available for rental purposes, or occupied by a person(s) other than the owner (with or without monetary compensation), except:

- (a) Places of public accommodation licensed by the city under Chapter 26 of this Code.
- (b) Units required to be occupied by an employee or agent of an owner as a condition of employment (i e , parsonages).
- (c) Any dwellings, dwelling units or mobile homes which the state has exclusive authority under state law to inspect and regulate.
- (d) The principal residence of the owner, which is temporarily occupied by a person(s) other than the owner for not more than two (2) years.
- (e) Dwellings in a dormitory operated by an institution of higher education.
- (f) Dwelling units in which an owner of such unit resides unless the nonowner occupant(s) of such dwelling unit pay rent or make other compensation to the owner for occupancy of the dwelling unit.

Responsible person. The person who is responsible for correcting all major or minor violation(s), or both, pursuant to the provisions of section 14-4.25.

(Ord. No. 880; Ord. No. 962, 9-21-88; Ord. No. 1201, 10-1-97)

Sec. 14-4.34. Inspections--Generally.

- (a) The enforcing officer for the department of environmental health shall inspect rental units to secure the health, safety and welfare of the occupants and of the general public and to obtain and maintain compliance with the standards of this article. The enforcing officer shall be entitled to one (1) inspection every two (2) years of every rental unit and to inspect rental units under any of the following circumstances:
 - (1) Upon receipt of a complaint from an owner or occupant that the premises are in violation of this article.
 - (2) Upon receipt of a report or a referral from the police department, other public agency or department, or any individual indicating that the premises are in violation of this article, which report or referral is based on

- the personal knowledge of the person making the report or referral.
- (3) If an exterior survey of the premises gives the enforcing officer probable cause to believe that the premises are in violation of this article.
 - (4) Upon the enforcing officer's receipt of information that a rental unit is not registered with the city as required by this article.
 - (5) As part of a communitywide rental unit inspection program as authorized by a resolution of the city council.
 - (6) As part of the rental certification program as required by section 14-4 36 of this article.
 - (7) In order to determine compliance with a notice or a housing order issued by the city.
 - (8) If an emergency is observed or is reasonably believed to exist.
 - (9) In accordance with requirements of law where a dwelling is to be demolished by the city or where ownership is to be transferred to the city.
 - (10) Upon the request of an owner of a rental unit for an advisory inspection.

Such inspections shall be performed in accordance with the provisions of subsection (b) of this section.

- (b) During the inspection, which shall be conducted in accordance with section 14-4 of this article, the enforcing officer shall note any violations of this article or other provisions of this Code and shall issue a housing order notice of all violations to the responsible person in accordance with subsection 14-4.2(a) and (b). The housing order shall direct the responsible person to correct major violations within the time set forth in the notice. A reasonable time for correcting major violations shall be determined by the enforcing officer in light of the nature of the violations and all relevant circumstances, but shall not exceed thirty (30) days. Upon request by the responsible person, the enforcing officer may extend the time for correcting major violations, if the enforcing officer deems such action appropriate under all relevant circumstances. The housing order shall also direct the responsible person to correct minor violations within three (3) years from the date of the inspection or prior to renewal of a rental certificate of compliance, whichever occurs first.
- (c) A responsible person who receives a housing order notice pursuant to section 14-4.2(a) and (b) of major or minor violations, or both, shall not fail to correct those violations within the time period set forth in the notice. Penalties for a violation of this subsection are set forth in subsection 14-4.2(d).

(Ord. No. 880; Ord No 1201, 10-1-97)

Sec. 14-4.34-1. Same--Mechanical heating systems and appliances.

Mechanical heating systems and heating appliances shall be inspected and serviced by a licensed heating contractor in the third year following the issuance of a six-year rental certificate of compliance to the owner of the premises, unless servicing is warranted upon complaint. Mechanical heating systems and heating appliances in newly constructed dwelling units shall be inspected and serviced by a licensed heating

contractor in the sixth year following the issuance of a six-year rental certificate of compliance to the owner of the premises, unless servicing is warranted upon complaint.

(Ord. No. 1201, 10-1-97)

Sec. 14-4.35. Same--Fees; administrative late charge.

- (a) The department of environmental health shall establish a schedule of inspection fees, which shall not exceed the cost of inspecting rental units. The department of environmental health shall amend the fee schedule from time to time to reflect changes in the cost of inspections. The initial fee schedule and all amendments thereto shall not take effect until approved by a resolution of the city council.
- (b) The inspection fee shall be paid by the owner of the property, unless the inspection is based on a complaint filed by the owner for a major violation caused by the occupant, and the enforcing officer determines that such major violation does, in fact, exist. In such event, the inspection fee shall be paid by the occupant.
- (c) If the enforcing officer determines that a complaint was filed without a factual basis, the inspection fee shall be charged to the complainant.
- (d) An administrative late charge shall be paid to the city by the person obligated to pay an inspection fee if such fee is not paid within thirty (30) days from the billing date. The amount of the administrative late fees shall be established by the department of environmental health and shall not take effect until approved by resolution of the city council.

(Ord. No. 880)

Sec. 14-4.36. Rental certificate of compliance--Generally.

- (a) A property owner shall not lease, rent or otherwise allow a rental unit to be occupied unless the department of environmental health has issued a rental certificate of compliance or a temporary rental certificate of compliance for such rental unit. Each rental certificate of compliance or temporary rental certificate of compliance shall contain an expiration date.
- (b) A property owner shall not lease, rent or otherwise allow a rental unit to be occupied if the rental certificate of compliance or the temporary rental certificate of compliance for such unit has been denied, suspended, or has expired.
- (c) A person shall not occupy a rental unit if the enforcing officer orders that it be vacated due to major violations of this article.
- (d) The department of environmental health shall issue a six-year rental certificate of compliance to the owner of a rental unit which is determined to be in substantial compliance with this article. Substantial compliance shall mean the following:
 - (1) There are no major violations existing at the time of the most recent inspection;
 - (2) The enforcing officer did not discover any major violations at any time since the prior rental certificate of compliance or temporary rental certificate of compliance, if any, was issued;

- (3) Any existing minor violations do not significantly affect the habitability of the rental unit or the immediate health and safety of the occupants;
 - (4) None of the minor violations have existed for more than three (3) years; and
 - (5) The property owner has paid all inspection fees assessed against the property owner for all prior inspections of the premises.
- (e) If the enforcing officer determines that a rental unit is not in substantial compliance, then the department of environmental health shall issue a three-year rental certificate of compliance once all of the major violations have been corrected.
 - (f) A newly constructed rental unit may be issued a six-year rental certificate of compliance from the date of initial occupancy.
 - (g) At least thirty (30) days before the expiration of a rental certificate of compliance, the department of environmental health shall notify the property owner, in writing, of the expiration date and advise the owner of the need to arrange for a compliance inspection. The property owner shall be responsible for arranging for a compliance inspection prior to the expiration date on the rental certificate of compliance. When a rental certificate of compliance is re-issued in accordance with subsection 14-4.36(d) or (e), it shall have a six-year or a three-year expiration date with the same month and day as shown on the previous rental certificate of compliance, regardless of the date that the new rental certificate of compliance is actually issued.

(Ord. No. 880; Ord. No. 1080, 3-31-93; Ord. No. 1201, 10-1-97)

Sec. 14-4.37. Same--Temporary certificate.

- (a) When a rental certificate of compliance is required, the department of environmental health may issue a temporary rental certificate of compliance if all of the following circumstances exist:
 - (1) The department of environmental health is unable to complete an inspection of a rental unit to verify compliance with this article prior to the expiration date of an existing rental certificate of compliance
 - (2) The enforcing officer is not aware of any current major violations
 - (3) The property owner has paid all inspection fees assessed against the property owner for all prior inspections of the premises.
- (b) The department of environmental health may issue a temporary rental certificate of compliance for a newly registered rental unit.
- (c) The department of environmental health may issue a temporary rental certificate of compliance for a rental unit subject to a housing order notice containing major violations if the property owner is in the process of correcting such violations and can show proof of same.
- (d) A temporary rental certificate of compliance shall be valid until the enforcing officer completes an inspection and issues an order granting or denying a rental certificate of compliance. Said inspection shall be conducted within sixty (60)

days of the expiration date of a rental certificate of compliance, within sixty (60) days of the registration of a new rental unit, or within sixty (60) days of the issuance of a temporary rental certificate of compliance.

(Ord. No. 880; Ord. No. 1201, 10-1-97)

Sec. 14-4.38. Same--Suspension and expiration.

- (a) The department of environmental health may suspend a six-year or a three-year rental certificate of compliance for a rental unit if the responsible person fails to comply with a housing order notice issued under section 14-4.34. In such event, the enforcing officer may placard the property and order that it be vacated in accordance with the provisions of section 14-4.1. The department of environmental health shall reinstate a suspended six-year or three-year rental certificate of compliance upon a determination that all major violations are corrected and upon payment of the reinspection fees. The reinstated rental certificate of compliance shall be issued for a period of not more than three (3) years.
- (b) A rental certificate of compliance or a temporary rental certificate of compliance shall expire on the date stated on the certificate. Sixty (60) days after such expiration date, no person shall occupy a rental unit unless a new rental certificate of compliance has been issued. A rental unit which has not been previously certified shall be deemed to have an expiration date on the date the property owner is notified to obtain certification for the rental unit.
- (c) If the department of environmental health suspends a six-year or a three-year rental certificate of compliance, or if a six-year or a three-year rental certificate of compliance has expired, then the department of environmental health shall notify the occupant(s) of the suspension or expiration. The notice shall inform the occupant(s) that he or she may pay rent into a self-established escrow account until he or she vacates the unit, the rental certificate of compliance is reinstated or renewed, or a temporary rental certificate of compliance has been issued pursuant to section 14-4.37, whichever occurs first. This subsection shall not apply if the property owner establishes that the suspension of the rental certificate of compliance is due to violations which were caused by the occupant(s) of the rental unit. Once the rental certificate of compliance is reinstated or a temporary rental certificate of compliance has been issued, the rent shall again become due and payable in accordance with the terms of the lease or other agreement between the property owner and the occupant(s).
- (d) The department of environmental health shall immediately notify the owner and occupant(s) of any decision affecting the status of a rental certificate of compliance and advise the owner and occupant(s) of their right to appeal and the procedures therefor.

(Ord. No. 880; Ord. No. 1201, 10-1-97)

Sec. 14-4.39. Housing board of appeals.

- (a) The city shall appoint and establish an appeals board pursuant to section 14-4.3. The appeals board shall be known as the housing board of appeals. In addition to the five (5) regular members, the city may appoint two (2) persons to the

housing board of appeals as alternate members, to serve in the absence of regular members, pursuant to rules and regulations adopted by the department of environmental health, as approved by resolution of the city council.

- (b) The housing board of appeals shall hear appeals from decisions of the enforcing officer and shall act upon questions relating to the administration, enforcement and interpretation of this article. The housing board of appeals shall conduct its hearings in accordance with this section and section 14-4.3 and such other sections of this Code which are not inconsistent with this section and section 14-4.3.
- (c) Any aggrieved party, including an occupant, may appeal an order issued by the enforcing officer to the housing board of appeals. The housing board of appeals shall hold a public hearing to review the decision of the enforcing officer and shall allow the enforcing officer and the aggrieved party and any other person to be heard and present evidence.
- (d) An appeal shall stay an order denying or suspending a rental certificate of compliance, unless such suspension is for a major violation. In such cases, an appeal shall not stay the suspension of the rental certificate of compliance, unless the director of the department of environmental health orders that it be stayed.

(Ord. No. 880)

Sec. 14-4.40. Rules and regulations.

The department of environmental health shall adopt rules to govern the procedures under this division and interpretation thereof. The rules shall set forth the procedures for inspections, registration of rental units, issuance of rental certificates of compliance and temporary rental certificates of compliance, proceedings affecting the status of a certificate and appeals. Copies of such rules shall be placed on file in the office of the city clerk for inspection by the public.

(Ord. No. 880; Ord. No. 1201, 10-1-97)

Sec. 14-4.41. Change in ownership; sale or transfer of premises.

A person shall not sell or transfer premises which are subject to an outstanding housing order unless a copy of the order issued by the enforcing officer is provided to the person acquiring the premises. The person selling or transferring the premises shall notify the city of same in writing within ten (10) days of transferring ownership of the premises subject to the outstanding housing order. The notice to the city shall include the name, address and telephone number of the person acquiring the premises and the effective date of the transfer of ownership. The city shall immediately issue a new housing order to the person acquiring the premises. The person selling or transferring the premises who has failed to comply with an outstanding housing order shall not be relieved of the responsibility of having violated any provision of this article by selling or transferring the premises.

(Ord. No. 880; Ord. No. 1201, 10-1-97)

Sec. 14-4.42. Annual basic housing permit.

- (a) No property owner shall lease, rent or otherwise allow a rental unit to be occupied unless the department of environmental health has issued an annual basic housing permit for such rental unit.
- (b) The owner of a rental unit shall pay an annual permit fee for the issuance of an annual basic housing permit by the City of Holland. The annual permit fee shall be established and the rules adopted by the department of environmental health and approved by resolution of the city council as provided in section 14-4.40. The annual permit fee shall be paid on or before the tenth day of January of each year. The annual permit fee shall be paid to the city treasurer on or before January 10, 1988 and on or before the tenth day of January each year thereafter. The annual permit fee shall be paid to the city treasurer.
- (c) An administrative late charge shall be paid to the city by the owner if the annual permit fee is not paid on or before January 10. If the city treasurer's office is closed on January 10, there shall be no administrative late charge if the owner pays the annual permit fee to the city treasurer on the next business day after January 10. The amount of the administrative late charge shall be established by the rules of the department of environmental health, as approved by resolution of the city council pursuant to section 14-4.40.

(Ord. No 880; Ord. No. 919, 3-4-87)

ARTICLE III. FAIR HOUSING*

*State law reference(s)--For "Elliot-Larsen Civil Rights Act," see M.S.A. , § 3.548(101) et seq.

Sec. 14-5. Declaration of policy.

It is hereby declared to be the policy of the city in the exercise of its police power for the protection of the public safety, health and general welfare, for the maintenance of business and good government, and for the promotion of the city's trade, commerce and manufacture, to assure equal opportunity to all persons to live in adequate housing facilities, regardless of religion, race, color, national origin, age, sex, marital status or source of income and to that end to prohibit discrimination in housing

(Ord. No 555; Ord. No 906, 7-16-86)

Sec. 14-6. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Commission. The human relations commission of the city.

Financial institution. Any association or corporation regularly engaged in the business of lending money, guaranteeing loans or acting as a broker for the purpose of obtaining money for loans.

Housing accommodation. The term "housing accommodation" includes any improved or unimproved real property, or part thereof, which is used or occupied, or is

intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.

Person. An individual, association, corporation, joint apprenticeship, committee, joint stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee, trustee in bankruptcy, unincorporated organization, any other legal or commercial entity, the state or any governmental entity or agency.

Real estate broker or salesman. A person, whether licensed or not, who for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication, or a person employed by or acting on behalf of any of these.

Real estate transaction. The term "real estate transaction" includes the sale, exchange, rental or lease of real property.

Real property. Buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums and hereditaments, corporeal and incorporeal, or any interest therein

Source of income. Source of income shall mean any legal source from which a person obtains money. This section shall not prevent reasonable inquiry regarding a person's source of income or the ability to meet the financial obligations of housing. This definition shall not be construed to prevent a good faith business determination relating to a person's ability to meet the financial burdens involved

(Ord. No. 555; Ord. No. 906, 7-16-86)

Sec. 14-7. Unfair housing practices--Real estate transactions generally.

It shall be an unfair housing practice and unlawful for an owner, real estate broker or real estate salesman, or any other person as defined in this article:

- (a) To refuse to negotiate for a real estate transaction with a person because of religion, race, color, national origin, age, sex, marital status or source of income.
- (b) To refuse to engage in a real estate transaction with a person because of religion, race, color, national origin, age, sex, marital status or source of income.
- (c) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith because of religion, race, color, national origin, age, sex, marital status or source of income
- (d) To refuse to receive from, or to fail to transmit to, a person a bona fide offer to engage in a real estate transaction because of religion, race, color, national origin, age, sex, marital status or source of income.
- (e) To represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to fail to bring a

property listing to his attention, or to refuse to permit him to inspect real property, under reasonable conditions, because of religion, race, color, national origin, age, sex, marital status or source of income.

- (f) To publish or advertise, directly or indirectly, an intent to make a limitation, specification or discrimination based on religion, race, color, national origin, age, sex, marital status or source of income.
- (g) To use a form of application for a real estate transaction for the purpose of making a limitation, specification or discrimination based on religion, race, color, national origin, age, sex, marital status or source of income.
- (h) To make a record or inquiry in connection with a prospective real estate transaction which indicates the religion, race, color, national origin, age, sex, marital status or source of income.
- (i) To offer, solicit, accept, use or retain in listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith with respect to religion, race, color, national origin, age, sex, marital status or source of income.

(Ord. No. 555; Ord. No. 906, 7-16-86)

Sec. 14-8. Same--Pinching.

It is an unfair housing practice and unlawful for a person to whom application is made for financial assistance in connection with a real estate transaction or for the construction, rehabilitation, repair, maintenance or improvement of real property, or a representative of such a person:

- (a) To discriminate against the applicant because of religion, race, color, national origin, age, sex, marital status or source of income.
- (b) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates, directly or indirectly, the religion, race, color, national origin, age, sex, marital status or source of income.

(Ord. No. 555; Ord. No. 906, 7-16-86)

Sec. 14-9. Same--Inducing of transactions.

It is an unfair housing practice and unlawful for a person, for the purpose of inducing a real estate transaction from which he may benefit financially:

- (a) To initiate, instigate or participate in a series of representations, advertisements or contacts within a block, neighborhood or area designed to promote real estate transactions in the block, neighborhood or area based on the implication, directly or indirectly, that changes have occurred or will or may occur in the composition with respect to religion, race, color, national origin, age, sex, marital status or source of income of the owners or occupants in the block, neighborhood or area in which the real property is located, or that the changes will or may result in the lowering of property values, or an increase in criminal or antisocial

behavior or a decline in the quality of the schools in the block, neighborhood or area in which the real property is located.

- (b) To solicit the sale or listing for sale of real property, by telephone, mail or personally, after the property owner has expressly requested the solicitor or the company he represents to cease such solicitation.

(Ord. No. 555; Ord. No. 906, 7-16-86)

Sec. 14-10. Same--Retaliation; discrimination; coercion; interference with commission; preventing compliance.

It is an unfair housing practice and unlawful:

- (a) To retaliate or discriminate against a person because he has opposed an unfair housing practice, or because he has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under this article.
- (b) To coerce a person to engage in an unfair housing practice.
- (c) To interfere wilfully with the performance of a duty or the exercise of a power by the commission or one of its members or representatives under this article.
- (d) To obstruct or prevent wilfully a person from complying with the provisions of this article

(Ord. No. 555)

Sec. 14-11. Exemptions from article.

This article shall not apply:

- (a) To the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or lessor or a member of his family resides in one of the housing accommodations.
- (b) To the rental of one or more rooms in a single-family dwelling by the owner or lessor if he or a member of his family resides therein.
- (c) To the sale or rental by the owner or lessor of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other which was not in any manner listed or publicly advertised for sale or rental.
- (d) To the rental of a housing accommodation for not to exceed twelve (12) months by the owner or lessor where it was occupied by him and maintained as his home for at least three (3) months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence

(Ord. No. 555)

Sec. 14-12. Enforcement procedure.

- (a) *Complaints.* The commission may receive complaints from any person concerning violations or possible violations of any provision of this article. Such complaint shall be in writing, under oath, stating that an unfair housing practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient for the commission to identify the person charged. The complaint shall further state under oath that the complaint is made in good faith and not for the purpose of harassment or entrapment. Such complaint shall be filed with the commission within ninety (90) days after the alleged unfair housing practice occurred.
- (b) *Investigation.* The commission shall cause a prompt and full investigation of each complaint; such investigation to be undertaken by such agent or committee of the commission as the commission shall from time to time appoint and determine.
- (c) *Conciliation proceedings.* If the commission determines, after investigation, that probable cause exists for the complaint, it shall attempt to eliminate the unlawful practice by means of conciliation and persuasion. The commission shall not make public the details of any conciliation proceedings until the conditions have been satisfactorily adjusted or no further action is deemed advisable.
- (d) *Public hearing; statement of charges.* In any case of failure to eliminate the unlawful housing practice charged in the complaint by means of conciliation or persuasion, the commission shall hold a public hearing to determine whether or not an unlawful housing practice has been committed. The commission shall serve upon the person charged with having engaged in the unlawful housing practice a statement of the charges made in the complaint and a notice of the time and place of the hearing. The hearing shall be held not less than ten (10) days after the service of the statement of charges. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person, or to be represented by an attorney or by any other person, and to participate in the hearing.
- (e) *Decisions and action by commission--Statement of findings of fact; dismissal of unjustified complaint.* If, upon the evidence presented, the commission finds that the respondent has not engaged in any unlawful housing practice, it shall state its findings of fact and the complaint shall be considered dismissed. If, upon all the evidence presented, the commission finds that the person has engaged or is engaging in an unlawful housing practice, it shall state its findings of fact.
- (f) *Same--Action when person fails to cease unfair housing practice.* In the event that the person charged with having engaged in the unlawful housing practice fails to cease such practice, the commission shall either:
 - (1) Certify the case and the entire record of its proceedings to the city attorney, who shall thereupon investigate evidence and shall take such legal course as the necessities of the case require, or
 - (2) Shall transfer jurisdiction of such matter to the state civil rights commission as provided in Act 112 of the Public Acts of 1968.

(Ord. No. 555)

Sec. 14-13. Violations and penalties.

The violation of any provision of this article shall be punishable by the penalties set forth in section 1-10.

(Ord. No. 555)

ARTICLE IV. HOUSING COMMISSION*

***Editor's note--**A Resolution of July 1, 1996 created a City of Holland Housing Advisory Commission to advise the city council on area-wide and city housing needs and the policies necessary to address these needs. These policies are not set out herein. Said Resolution further provided for the deletion of §§ 14-14--14-18 which contained similar subject matter and derived from Ord. No. 1062, adopted Aug. 5, 1992 and Ord. No. 1148, adopted July 5, 1995.

ORDINANCE NO. 1480

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HOLLAND, MICHIGAN, BEING ORDINANCE NO. 1480 OF THE CITY OF HOLLAND, BY AMENDING SECTION 14-4.3 OF SAID CODE.

The City of Holland hereby ordains:

Section 14-4.3 is amended to read as follows:

Sec. 14-4.3. Appeals and Administrative Variances.

- (a) *Housing board of appeals established* The city shall appoint and establish a housing board of appeals pursuant to section 14-4.3. The housing board of appeals shall be known as the housing board of appeals. In addition to the five (5) regular members, the city may appoint two (2) persons to the housing board of appeals as alternate members, to serve in the absence of regular members, pursuant to rules and regulations adopted by environmental health and inspections, as approved by resolution of the city council.
- (b) *Board duties* The housing board of appeals shall hear appeals from decisions of the enforcing officer and shall act upon questions relating to the administration, enforcement and interpretation of this article, including variances from the requirements of this article. The housing board of appeals shall conduct its hearings in accordance with this section and such other sections of this code.
- (c) *Appeal of enforcing officer order, public hearing* Any aggrieved party, including an occupant, may appeal an order issued by the enforcing officer to the housing board of appeals. The housing board of appeals shall hold a public hearing to review the decision of the enforcing officer and shall allow the enforcing officer and the aggrieved party and any other person to be heard and present evidence.
- (d) *Staying of an order* An appeal shall stay an order denying or suspending a rental certificate of compliance, unless such suspension is for a major violation. In such cases, an appeal shall not stay the suspension of the rental certificate of compliance, unless the director of environmental health and inspections orders that it be stayed.
- (e) *Administrative variances*
- (1) *Ceiling height requirements* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing ceiling height requirements imposed under this code if the enforcing officer determines that all of the following conditions are met:

- a. An inspection of the property reveals that it fully complies with this Code (except as to ceiling height) including light and ventilation requirements and floor area to height ratio requirements;
- b. Any ceiling light fixtures in the rooms covered by the variance request are recessed;
- c. The applicant does not request a variance greater than three (3) inches from the ceiling height requirements under this Code.

(2) *Guardrail height requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing guardrail height requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:

- a. An inspection of the property reveals that it fully complies with this Code (except as to guardrail height);
- b. The surface area below and/or immediately adjacent to the balcony, deck, landing, porch, stair or walking surface on which is located the guardrail for which the variance is sought is not hard surfaced; that is, it shall not be a surface created out of asphalt, concrete, gravel, wood, or other hard surface material;
- c. The guardrail for which the variance is sought is at least twenty-four (24) inches in height or more;
- d. The general pattern of traffic on the balcony, deck, landing, porch, stair or walking surface is not right along the portion of the balcony, deck, landing, porch, stair or walking surface where the guardrail for which the variance is sought is located;
- e. The surface area of the balcony, deck, landing, porch, stair or walking surface on which is located the guardrail for which the variance is sought is not more than six (6) feet directly above the floor, grade, ground or surface area below, measured perpendicularly; and
- f. Spindle spacing and handrail height comply with this Code.

(3) *Room width requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing room width requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:

- a. The room is an existing room, not a proposed room;

b. An inspection of the property reveals that it fully complies with this Code (except as to room width) including, but not limited to, light and ventilation requirements and ceiling height, and the room in question has a minimum of 70 square feet of qualifying floor area;

c. The room has a window which is either an approved egress window, or is as large as any other bedroom windows in the structure;

d. The room cannot be made wider without substantial reconstruction, including but not limited to: relocation of exterior or bearing walls, relocation of a stairway, or relocation of plumbing or mechanical equipment. Substantial construction does not include the removal of a closet or the relocation of a non-bearing partition wall;

e. The room is equipped with a hardwired, interconnected smoke detector inside the room in addition to other smoke detectors required by this Code;

f. The room does not require, and has not been granted, an administrative ceiling height variance;

g. The door and the required window in the room are not, and shall not be, obstructed by furniture or other materials; and

h. The room, at any point in the room, is not less than 6' 9" in width.

(f) *Appeals.* Any owner or person who is aggrieved by the ruling or decision of the enforcing officer in any matter relative to an administrative variance or the interpretation or enforcement of any of the provisions of the housing-property maintenance code may appeal the decision or interpretation to the housing board of appeals.

(g) *Filing.* Such appeal must be filed with the city clerk in writing, within thirty (30) days of the date of the issuance of the decision or interpretation. An appeal shall not be received if the city has commenced prosecution proceedings pursuant to section 14-2(c).

(h) *Decision, housing board of appeals.* The appeal shall be decided by the following procedure:

(1) The housing board of appeals shall hold a public hearing to hear evidence of violations from the enforcing officer and the appellant. The appellant shall attend in person or may be represented by legal counsel.

(2) The housing board of appeals shall render its decision not more than sixty (60) days after the conclusion of the hearing. The failure to decide an appeal within sixty (60) days shall be deemed a denial. The decision of the housing board of appeals shall include findings of fact and conclusions of law based upon the evidence presented by the

enforcing officer and appellant. Witnesses and other documentary evidence shall be permitted in the proceedings before housing board of appeals.

(3) The housing board of appeals shall have the authority and jurisdiction to affirm, amend or reverse the decision or interpretation of the enforcing officer. The housing board of appeals shall also have the authority and jurisdiction to grant a variance from this article for any requirement if compliance with the requirement imposes undue burden upon the applicant due to unforeseen uses or circumstances or an alternate proposal will satisfy the spirit of the requirements of this chapter. The housing board of appeals shall not have the authority to grant a variance from any of the requirements of this article unless it determines that the health, welfare, and safety of occupants of the affected property will not be compromised. The housing board of appeals may not grant a variance from or waive any fees or late charges.

All other provisions of Chapter 14 shall remain in full force and effect

Ordinance Adoption Date: September 5, 2007

Ordinance Effective Date: September 26, 2007

Allendale Charter Township

**DEPARTMENT
OF
PLANNING AND
COMMUNITY
DEVELOPMENT**

**CHIEF BUILDING
OFFICIAL AND
ZONING
ADMINISTRATOR -
PHILIP BRUMMEL**

**OFFICE MANAGER -
SHARON KLEINJANS**

**BUILDING
INSPECTOR -
JOHN WATSON**

**RENTAL HOUSING
INSPECTOR -
TAMI ARSENAULT**

**PLUMBING
INSPECTOR -
GARY RAAK**

**ELECTRICAL
INSPECTOR -
MIKE STILLE**

**MECHANICAL
INSPECTOR -
PHIL SHAFFER**

**PLANNING
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BUILDING DIVISION

May 9, 2008

Michigan Department of Labor & Economic Growth
Bureau of Construction Codes
ATTN: Larry Lehman
Kevin DeGroat
P.O. Box 30254
Lansing, Michigan 48909

Dear Sirs:

Allendale Charter Township, Department of Planning and Community Development has spent some time reviewing the copy of the Technical Bulletin that was issued on March 28, 2008; Publication Number 51 from your office, as well as the previous correspondence that you sent in regards to Registration and Inspection of residential rental units in manufactured housing communities.

This Department would like to request a FORMAL REVIEW of our ordinances, so that we may, if granted approval, treat all rental units within the manufactured housing community equal to those residential rental units within our Township that are not within a manufactured community.

The request for formal review is twofold. First, we are asking for you to review our RENTAL HOUSING REGISTRATION ORDINANCE. This essentially sets forth parameters for all residential rental units to be registered every year, with a registration fee of \$15.00 per unit. The inspections take place every two years. Second, we are asking for you to review our PROPERTY MAINTENANCE CODE. Our Township adopted the 2003 International Property Maintenance Code, with a few modifications to fit residential rentals, and to not include commercial. I am including all our ordinances as well as the inspection checklist that comes from the International Property Maintenance Code, section by section.

We would greatly appreciate your understanding in the matter of wanting to treat all our residential rental units equally, and our not wanting to create a separate ordinance to just deal with the rental units within a manufactured housing community.

Please do not hesitate to call me with any questions that you may have, or if additional information is required to be submitted.

Sincerely,



Tami Arsenault

Rental Housing Inspector

616-895-6295 ext 34

Fax: 616-895-6330

tarsenault@altelco.net

Allendale Charter Township

6676 Lake Michigan Dr., P O Box 539, Allendale MI 49401-0539

616-895-6295 fax 616-895-6670 or 616-895-6330 www.allendale-twp.org

12/06/04

1-12

ORDINANCE NO. 2004-15

pp 5, 6, 8

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RENTAL HOUSING REGISTRATION ORDINANCE

AN ORDINANCE to provide for the registration and regulation of rental housing located within the Township; to allow inspections; to provide penalties for violation; to repeal conflicting ordinances; and to provide for the effective date of this Ordinance.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, MICHIGAN
ORDAINS:

Section 1. Purpose and Intent.

The Charter Township of Allendale recognizes the need for an organized inspection and registration program for residential rental units located within the Township in order to ensure rental units meet all applicable building, existing structures, fire, health, safety, and zoning codes, and to provide an efficient system for compelling both absentee and local landlords to correct violations and maintain, in proper condition, rental property within the Township. The Township recognizes that the most efficient system is the creation of a program requiring the registration and inspection of residential rental units within the Township as defined in this Ordinance, so that orderly inspection schedules can be made by Township officials.

Section 2. Definitions.

As used in this Ordinance, the following terms and words shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

- (a) *"Dwelling unit"* means a building, or portion thereof, designed for occupancy for residential purposes and having cooking facilities and sanitary facilities.
- (b) *"Landlord"* means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.
- (c) *"Owner"* means the legal title holder of a rental unit or the premises within which the rental unit is situated.
- (d) *"Owner-Occupied Rental Unit"* means a rental unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the rental unit is located.

- (e) *"Person"* means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.
- (f) *"Premises"* means a lot, plot or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.
- (g) *"Rental unit"* means any dwelling unit or residential structure containing sleeping units, including but not limited to hotels, motels, bed and breakfast establishments, boarding houses, or sleeping rooms, which is leased or rented from the owner or other person in control of such units, to any tenant, whether by day, week, month, year or any other term.
- (h) *"Responsible local agent"* means a natural person having his or her place of residence in the county and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the Township.
- (i) *"Tenant"* means any individual who has the temporary use and occupation of real property owned by another person in subordination to that other person's title and with that other person's consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.

Section 3. Requirements.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Township to be occupied, unless all of the following requirements have first been met.

- (1) The owner of the rental unit shall have registered the rental unit with the Department of Planning and Community Development by completing and filing a current registration form with the Department of Planning and Community Development, as provided in Section 4 of this Ordinance.
- (2) An inspection shall have been completed to the satisfaction of the Department of Planning and Community Development.
- (3) A valid certificate of compliance shall have been issued by the Department of Planning and Community Development.
- (4) The current certificate of compliance shall be posted conspicuously on the premises.
- (5) All fees charged by the Township for the registration and inspection of the rental unit shall be paid in full.

- (6) The owner or responsible local agent of the rental unit shall provide the Department of Planning and Community Development a document which states the names and telephone numbers of individuals who will occupy the unit. It shall also provide the length of their occupancy. Upon renewal of occupants' lease if applicable, a notice of this information shall be furnished to the Department of Planning and Community Development.

Section 4. Registration.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Township to be occupied without first registering the rental unit with the Department of Planning and Community Development and designating a responsible local agent.

(a) *Registration Forms.*

Registration shall be made upon forms furnished by the Department of Planning and Community Development and shall require all of the following information.

- (1) The street address of the rental unit(s);
- (2) The number and types of rental units within the rental property;
- (3) Name, residence address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of all property owners of the rental unit(s);
- (4) Name, residence address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of the responsible local agent designated by the owner;
- (5) The maximum number of tenants permitted for each rental unit;
- (6) The name, address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of the person authorized to collect rent from the tenants;
- (7) The name, address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of the person authorized to make or order repairs or services for the property, if in violation of Township or State codes, if the person is other than the owner or the responsible local agent;
- (8) The name, address and telephone number of the person, if any exists, who holds a lien on the rental unit or the real property on which the rental unit is located.

(b) *Accurate and Complete Information.*

All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a rental unit, or fail to provide the information required for such registration. The registration form shall be signed by both the property owner(s) and the designated responsible local agent. Where the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization. Where more than one person has an ownership interest, the required information shall be provided for each such owner.

(c) *Change in Registration Information or Transfer of Property.*

Except for a change in the registered local agent, the property owner of a rental unit registered with the Township shall re-register within sixty (60) calendar days after any change occurs in the registration information. If the property is transferred to a new owner, the new property owner of a registered rental unit shall re-register the rental unit within sixty (60) calendar days following the transfer of the property. Property owners shall notify the Department of Planning and Community Development of any change in the designation of the registered local agent, including a change in name, address, e-mail address, telephone number, mobile telephone number or facsimile number of the designated registered local agent within five (5) business days of the change.

If a transfer of ownership occurs and there is a current certificate of compliance on file, then the new owner will only have to pay the registration fee upon the expiration of the current registration. It will still be required that the new owner fill out a new registration form.

(d) *Registration Term and Renewals.*

Registration of a rental unit shall be effective for one year. All registrations shall expire on October 15 of each year. The property owner shall re-register each rental unit with the department of Planning and Community Development, thirty (30) calendar days prior to the expiration of the registration of the rental unit (i.e., by September 15 of each year).

(e) *Responsible Local Agent.*

The designated responsible local agent shall be responsible for all of the following:

- (1) operating the registered rental unit in compliance with all applicable Township ordinances;
- (2) providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable Township Ordinances;
- (3) maintaining a list of the names and number of occupants of each rental unit for which he or she is responsible; and

- (4) accepting all legal notices or services of process with respect to the rental unit.

Section 5. Inspections.

All facilities, areas and rental units governed by this Ordinance shall be inspected and shall comply with the standards and provisions of the ordinances and codes adopted by the Township. ✓

(a) *Biennial Inspections.*

Except as provided in subsection 5(a)(3), all rental units shall be inspected by the Department of Planning and Community Development at least once every two years. During the subsequent twelve (12) months after registration, the Department of Planning and Community Development shall notify half of all registered owners of rental units that an inspection must be completed. During the next following calendar year, the Department of Planning and Community Development shall notify the remaining registered owners that an inspection of the remaining registered rental units must be completed. Prior to conducting inspections of those occupied rental units existing as of October 15, 2004, the Department of Planning and Community Development may issue a temporary certificate of compliance as provided in Section 6(b). The Department of Planning and Community Development shall thereafter alternate inspections of rental units biennially. The biennial inspection shall not, however, eliminate an owner's responsibility to register such rental units on an annual basis.

- (1) If the first biennial inspection is in compliance with the Property Maintenance Ordinance and all other Township Ordinances, such rental units will have their next biennial inspection waived. If a complaint is filed with the Township and found to be valid, therefore making said unit not in compliance, the following biennial inspection shall not be waived.
- (2) Nothing in this section shall preclude the inspection of said dwellings more frequently than once every two years.
- (3) The following rental units shall be exempt from biennial inspections as provided below.
 - a) Rental units that were constructed prior to January 1, 1990, shall be exempt from all biennial inspections until there has been a change in occupancy of the rental unit. Nothing in this subsection shall preclude the inspection of said rental units pursuant to subsections 5(b) and/or 5(d) below.
 - b) New rental units that have been issued a certificate of occupancy after October 15, 2000, shall be exempt from the initial biennial inspection. If a valid complaint is not filed regarding the rental unit within the two years following the waived initial inspection, then the next biennial inspection of the rental unit shall also be waived. Nothing in this subsection shall preclude the inspection of said rental units pursuant to subsections 5(b) and/or 5(d) below.

(b) *Basis for Inspections.*

Inspections may be made to obtain and maintain compliance with the standards of this Ordinance based upon one of the following.

- (1) A complaint received by the Department of Community Development, the Allendale Township Community Policing Officers, or any member of the Ottawa County Sheriff's Department, indicating that there is a violation of the standards or the provisions of any Ordinance adopted by the Township or any state law; ✓
- (2) An observation by the Department of Community Development, the Allendale Township Community Policing Officers, or any member of the Ottawa County Sheriff's Department, Allendale Township Staff, or Allendale Fire Chief, of a violation of the standards or the provisions of any Ordinance adopted by the Township or any state law; ✓
- (3) A report or observation of a dwelling unit that is unoccupied and unsecured or a dwelling that is damaged by fire;
- (4) The registration, re-registration and certification of a rental unit as required by this Ordinance;
- (5) The need to determine compliance with a notice or an order issued by the Township;
- (6) An emergency observed or reasonably believed to exist;
- (7) A request for an inspection by the property owner; or
- (8) Requirements of law where a dwelling is to be demolished by the Township or where ownership is to be transferred to the Township.

(c) *Inspection Procedures.*

(1) Once the Department of Planning and Community Development has determined that a rental unit is in compliance with all of the ordinances adopted by the Township and state law, the inspection required for issuance of a certificate of compliance shall be satisfied. The inspection shall then be valid for a period of two years from the date the certificate of compliance is issued. ✓

(2) If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of applicable Township and State codes and ordinances, the Department of Planning and Community Development shall provide the registered local agent and/or owner with written notice of such violations. The Department of Planning and Community Development shall set a re-inspection date before which such violation shall be corrected. If such violation has been corrected within that period, the inspection required for issuance of a certificate of compliance shall ✓

be satisfied. If such violations have not been corrected within that period, the Department of Planning and Community Development shall not issue the certificate of compliance and may take any action necessary to enforce compliance with applicable Township and State codes and ordinances.

(3) If there is a complaint filed on a property with the Department of Planning and Community Development, the owner and/or responsible local agent will be notified in writing. In the event that the complaint is of an emergency nature, as determined by the Department of Planning and Community Development or Allendale Township Community Policing Officers, it will require immediate compliance with adopted Property Maintenance Ordinance. If the complaint is not of an emergency nature, the owner will have fourteen (14) calendar days to correct such violation, after which a re-inspection or written verification from owner and/or responsible local agent and complaining party that the violation has been corrected, will be required.

(4) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.

(5) Where a re-inspection must be made to ensure conformity with this Ordinance or before a certificate of compliance is issued for those rental units that have been issued violation notices, the Township will charge a separate inspection fee for every inspection when the violation has not been abated or corrected.

(6) If an inspection is scheduled and the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner and/or the responsible local agent, and no inspection shall be completed until the inspection fee is paid in full.

(d) *Transfer of Ownership Inspections.*

(1) When there is a transfer of ownership of any rental unit, including an owner-occupied rental unit, and a current certificate of compliance exists for the unit, then the Department of Planning and Community Development shall waive the inspection. The new owner shall comply with the requirements of Section 4(c) of this Ordinance by re-registering the rental unit within sixty (60) calendar days following the transfer of the property.

(2) When there is a transfer of ownership of any rental unit, including an owner-occupied rental unit, and a current certificate of compliance does not exist for the unit, then the Department of Planning and Community Development shall conduct an inspection within thirty (30) calendar days following the notification of the transfer of ownership as required by Section 4(c). If violations of this Ordinance or any other Township ordinance, code or State code or law are found, a notice of violation shall be issued to the owner.

(3) If ownership of any rental unit is transferred contrary to subsection (d)(1) or (2) of this Section, or if the new owner fails to re-register a rental unit as required by Section 4(c) of this Ordinance, the certificate of compliance and rental unit registration shall be deemed to expire within sixty days of the transfer unless appropriate steps are taken to obtain a rental unit registration and

certificate of compliance.

(4) Within sixty (60) calendar days of the transfer of ownership of a rental unit, the new owner shall notify all residents of a rental unit which undergoes a transfer of ownership while the individuals are residing in that unit, including an owner-occupied rental unit, of the transfer of ownership.

Section 6. Certificate of Compliance.

No person shall own, operate, lease, rent, occupy, or otherwise allow a rental unit within the Township to be occupied unless there is a valid certificate of compliance issued by the Department of Planning and Community Development for the rental unit. A certificate of compliance shall be issued for each building containing a rental unit.

(a) *Requirements.*

A certificate of compliance shall be issued only after all of the following requirements have been satisfactorily completed.

- (1) Registration of the rental unit with the Department of Planning and Community Development;
- (2) Designation of the responsible local agent;
- (3) Payment in full of any and all required fees for registration, plus any penalties that may have been imposed on the property; and
- (4) Inspection by the Department of Planning and Community Development resulting in a determination that the rental unit and the property complies with all Township Ordinances and state law. ✓

(b) *Temporary Certificates.*

Temporary certificates of compliance may be issued without prior inspection by the Department of Planning and Community Development for those occupied rental units existing as of October 1, 2004. Such temporary certificates of compliance may be issued as of the effective date of the initial registration following October 1, 2004, to allow property owners to operate such rental units until such time as an inspection may be made by the Department of Planning and Community Development. At such time as an inspection is made and the Department of Planning and Community Development has determined that provisions of this Ordinance have been complied with, the temporary certificate shall expire.

(c) *Posting of the Certificate of Compliance.*

The certificate of compliance shall be displayed in a conspicuous place in each rental unit at

all times, along with the name, address and telephone number of the responsible local agent.

Section 7. Fees.

The Township Board shall establish by resolution an appropriate fee for registration and inspections.

If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.

Where a re-inspection must be made to ensure conformity with this Ordinance or before a certificate of compliance is issued for those rental units that have been issued violation notices, the Township will charge a separate inspection fee for every inspection when the violation has not been abated or corrected.

Section 8. Maintenance of Records.

All records, files and documents pertaining to the Rental Registration and Licensing and Rental Unit Inspection Program shall be maintained by the Department of Planning and Community Development and made available to the public as allowed or required by State law.

Section 9. Penalty.

Any person who violates this Ordinance shall be responsible for a municipal civil infraction, subject to the procedures and sanctions contained in Ordinance No. 1995-1. Increased civil fines may be imposed for repeated violations, which means a second or subsequent municipal civil infraction violation committed by a person within any twelve (12) month period and for which a person admits responsibility or is determined to be responsible, as provided in Ordinance No. 1995-1.

Section 10. Severability and Captions.

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 11. Repeal.

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 12. Administrative Liability.

No officer, agent, employee or member of the Township shall render himself or herself personally liable for any damage that may occur to any person or entity as a result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 13. Effective Date.

This Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan, on October 25, 2004, after introduction and a first reading on September 27, 2004, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication on _____, 2004, in The Ottawa Advance, a newspaper having general circulation in the Township.

Township Supervisor

Township Clerk

CERTIFICATE

I, Candy Kraker, Clerk for the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing Rental Housing Registration and Licensing Ordinance was adopted at a regular meeting of the Township Board held on October 25, 2004. The following members of the Township Board present at the meeting: Jim Beelen, Candy Kraker, Greg DeJong, Ken Knoper, Butch Mohr, Joanie Hodson, Pierce Roon. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board: Jim Beelen, Candy Kraker, Butch Mohr, Joanie Hodson, and Pierce Roon voting in favor and members of the Board: Greg DeJong and Ken Knoper voting in opposition. The Ordinance was published in the Ottawa Advance on _____, 2004.

Candy Kraker
Township Clerk

Resolution 2005-19
Rental Housing Registration Fees

At a regular meeting of the Township Board of the Charter Township of Allendale, Ottawa County, Michigan, held at the Township Hall located at 6676 Lake Michigan Dr., Allendale Charter Township, Ottawa County, Michigan, on June 27, 2005.

Present: Beelen, Kraker, Roon, DeJong, Knoper, VanDyke

Absent: Mohr

The following resolution was offered by Knoper, and seconded by Roon.

WHEREAS, the Rental Housing Registration Ordinance 2004-15 was adopted by the Allendale Charter Township Board on October 25, 2004.

WHEREAS, the ordinance refers to the establishment of fees for registration and inspections.

NOW, THEREFORE, BE IT RESOLVED that the following fees be set:

- \$15 for registration, which covers the cost of the first inspection.
- \$15 for the following registration fee, as long as the rental unit is in compliance.
- \$30 for the following registration fee, if violations are found to exist.
- \$30 for re-inspections.

Yes: Beelen, Kraker, Roon, DeJong, Knoper, VanDyke

No: none

Resolution approved on June 27, 2005.


Candy Kraker
Allendale Charter Township Clerk

Draft Date
02/11/05

ORDINANCE NO. 2005-1

PROPERTY MAINTENANCE CODE ORDINANCE

new
1-6

AN ORDINANCE of the Charter Township of Allendale to adopt the 2003 edition of the International Property Maintenance Code, with revisions, to regulate and govern the conditions and maintenance of all residential rental property, buildings and structures within the Township by providing standards for supplied utilities, facilities and other physical things and conditions essential to ensure that such structures are safe, sanitary and fit for occupation and use; to provide for the condemnation of buildings and structures unfit for human occupancy and use, and for the demolition of such structures in the Township; to provide for the issuance of permits and collection of fees; to repeal conflicting ordinances; and to provide for the effective date of this Ordinance.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. The Charter Township of Allendale hereby adopts the International Property Maintenance Code, 2003 edition, as published by the International Code Council, as the Property Maintenance Code of Allendale Charter Township, in the State of Michigan for regulating and governing the conditions and maintenance of all residential rental property, buildings and structures. The Code provides the standards for supplied utilities, facilities and other physical things and conditions essential to ensure that such structures are safe, sanitary and fit for occupation and use. The Code also provides for the condemnation of buildings and structures unfit for human occupancy and use, and for the demolition of such structures. The Code further provides for the issuance of permits and collection of fees. Each and all of the regulations, provisions, penalties, conditions and terms of the Property Maintenance Code on file in the office of the Department of Planning and Community Development are hereby referred to, adopted, and made a part of this Ordinance, as if fully set forth in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

Section 2: The following sections are revised as follows.

Section 101.1. Insert: "Allendale Charter Township."

Section 101.2. Replace existing text with: "The provisions of this Code shall apply to all existing residential rental structures and premises and constitute minimum requirements as standards for such premises, structures, equipment and facilities for light, ventilation, space,

heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing residential structures and premises, and for administration, enforcement and penalties."

Section 101.3. Insert: "residential rental" between "occupancy and maintenance of" and "structures".

Replace: "*International Existing Building Code*" with "the Chapter of the *Michigan Building Code* pertaining to existing structures (i.e., currently Chapter 34)".

Section 102.3. Replace: "*International Existing Building Code*" with "the Chapter of the *Michigan Building Code* pertaining to existing structures (i.e., currently Chapter 34)".

Section 103.2. Replace existing text with: "The code official shall be appointed by the chief appointing authority of the jurisdiction."

Section 103.5. Replace existing text with: "The fees for activities and services performed by the Department in carrying out its responsibilities under this Code shall be as determined from time to time by the resolution of the Township Board."

Section 106.3. Replace: "misdemeanor" with "municipal civil infraction".

Section 106.4. Insert: "For a municipal civil infraction" between "prosecuted" and "within the limits provided by state or local law."

Section 107.5. Insert: "residential rental" before "dwelling unit".

Section 109.3. Replace: "or order the authority" with "request the authority".

Section 109.6. Replace: "appeals board" with "Construction Board of Appeals."

Section 110.1. Insert: "residential rental" between "any" and "premises".

Section 111.1. Replace: "the board of appeals" with "the Construction Board of Appeals."

Replace: "within 20 days" with "within 14 days".

Section 111.2. Delete entire Section, including subsections.

Section 111.4. Insert: "the code official's representative" between "the code official" and "any person".

Section 201.3 Replace: "*International Building Code*" with "*Michigan Building Code*".

Replace: "*International Zoning Code*" with "*Allendale Charter Township Zoning Ordinance*".

Replace: "*International Plumbing Code*" with "*Michigan Plumbing Code*".

Replace: "*International Mechanical Code*" with "*Michigan Mechanical Code*".

Replace: "*International Existing Building Code*" with "the Chapter of the *Michigan Building Code* pertaining to existing structures (i.e., currently Chapter 34)".

Replace: "the *ICC Electrical Code*" with "the *National Electric Code*".

Insert: "All references to the *International Building Code* shall be deemed to mean the *Michigan Building Code*; all references to the *International Zoning Code* shall mean the *Allendale Charter Township Zoning Ordinance*; all references to the *International Plumbing Code* shall mean the *Michigan Plumbing Code*; all references to the *International Mechanical Code* shall mean the *Michigan Mechanical Code*; all references to the *International Existing Building Code* shall mean the Chapter of the *Michigan Building Code* pertaining to existing structures (i.e., currently Chapter 34); and all references to the *ICC Electrical Code* shall mean the *National Electrical Code*."

Section 202. Insert: "**BOARD OF APPEALS.** The Allendale Charter Township Construction Board of Appeals."

Section 301.1. Insert: "residential rental" between "maintenance of" and "structures".

Section 301.2. Delete: "occupy as owner occupant or".

Section 301.3. Delete: "or vacant land".

Section 302.4. Insert: "eight (8) inches".

Section 302.9. Replace existing text with: "No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any residential rental structure or building by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair."

Section 304.3. Replace the last sentence with: "Numbers shall be in compliance with the numbering guide required or recommended by the Allendale Charter Township Fire Department."

Section 304.9. Delete: "marquees, signs,".

Section 304.14. Insert: "May 1," and "November 1 "

Section 304.17. Delete Section.

Section 304.18.1. Insert: "For new construction, or alterations, remodelings, or replacements in existing buildings, doors" at the beginning of the first sentence.

Section 308.2. Delete Section.

Section 308.3. Delete Section.

Section 308.4. Delete Section.

Section 401.2. Delete: "occupy as owner-occupant, or".

Section 401.3. Insert: "and the *Michigan Mechanical Code*" in between "*Michigan Building Code*" and "shall be permitted".

Section 402.2. Delete: "In other than residential occupancies," from the beginning of the second sentence.

Section 404.1. Delete: "hotel units".

Section 404.5. Replace the entire Section, including all subsections, with: "Dwelling units shall not be occupied by more occupants than permitted by the zoning ordinance for the particular zoning district in which the property is located."

Section 501.2. Delete: "occupy as owner-occupant or".

Section 502.3. Delete Section.

Section 503.2. Delete: "hotel units,"

Section 505.1. Replace: "*International Plumbing Code*" with "*Michigan Plumbing Code*".

Section 601.2. Delete: "occupy as owner-occupant or".

Section 602.2. Replace: "*International Plumbing Code*" with "*Michigan Plumbing Code*".

Section 602.3. Insert: "September 1" and "June 1."

Replace: "*International Plumbing Code*" with "*Michigan Plumbing Code*".

Section 602.4. Insert: "September 1" and "June 1."

Section 604.2. Replace: The "*ICC Electrical Code*" with "*The National Electrical Code*".

Section 701.2. Delete: "occupy as owner-occupant or".

Section 702.1. Replace: "*International Fire Code*" with "*Michigan Building Code*."

Section 702.2. Replace: "*International Fire Code*" with "*Michigan Building Code*."

Section 702.3. Replace: "*International Building Code*" with "*Michigan Building Code*".

Section 703.1. Insert: "in accordance with the *International Building Code*, as was required at the time of construction" at the end of the sentence.

Replace: "*International Building Code*" with "*Michigan Building Code*".

Section 704.2. Delete: "in other groups".


Section 3. All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Township Board hereby declares it would have passed this Ordinance, in each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

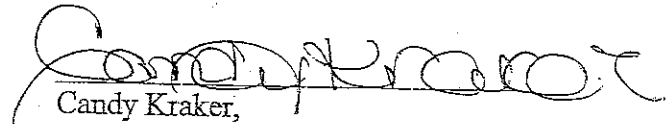
Section 5. No officer, agent, employee or member of the Township shall render himself or herself personally liable for any damage that may occur to any person or entity as a result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance or the Property Maintenance Code hereby adopted.

Section 6. Effective Date. This Ordinance was approved and adopted by the Township Board of the Allendale Charter Township, Ottawa County, Michigan, on Feb. 14, 2005, after introduction and a first reading on Jan. 31, 2005, and publication after

first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication on Feb. 8, 2005, in the Ottawa Advance, a newspaper having general circulation in the Township.



Jim Beelen,
Township Supervisor



Candy Kraker,
Township Clerk

DM050033

Below is a list with descriptions of items to be inspected. All items can be found in the 2003 Property Maintenance Code. *Note that all items below do not constitute an all inclusive list. This is to be used as a guideline.

Exterior Property Areas

 P|F Sanitation 301.3 All vacant structures and premises shall be maintained in a clean, safe, secure and sanitary condition so as not to cause a blighting problem or adversely affect the public health or safety.

Comments: _____

 P|F Sanitation 302.1 All exterior property and premises shall be maintained in a clean, safe, sanitary condition.

Comments: _____

 P|F Grading 302.2 Graded and maintained to prevent erosion.

Comments: _____

 P|F Drainage 302.2 Prevents the accumulation of stagnant water thereon, or within structure.

Comments: _____

 P|F Sidewalks, Driveways, Walkways, Stairs, Parking Spaces 302.3 In proper state of repair, and hazardous free.

Comments: _____

 P|F Weeds 302.4 Be maintained free from weeds in excess of 8 inches.

Comments: _____

 P|F Rodent Harborage 302.5 Free from rodent harborage and infestation.

Comments: _____

 P|F Exhaust Vents 302.6 Shall not discharge gases, steam, vapor, hot air, grease, smoke, odors upon abutting or adjacent public or private property.

Comments: _____

 P|F Accessory Structures 302.7 Detached garages, fences, walls maintained structurally sound and in good repair

Comments: _____

 P|F Motor Vehicles 302.8 No inoperative or unlicensed motor vehicle shall be kept or stored on any premises, or at no time be in a state of major disassembly.

Comments: _____

 P|F Defacement of Property 302.9 No mutilation or defacing any exterior surface by marking, carving or graffiti.

Comments: _____

Swimming Pools, Spas, Hot Tubs

___ P|F ___ Swimming Pool Sanitation 303.1 Maintained in clean and sanitary condition and in good repair.

Comments: _____

___ P|F ___ Enclosures when required 303.2 When contains water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above finished ground level. Gates and doors self-latching and self-closing where self-latching device is less than 54 inches above bottom of the gate and on pool side.

Comments: _____

Exterior Structure

___ P|F ___ General 304.1 Maintained and in good repair, structurally sound and sanitary.

Comments: _____

___ P|F ___ Protective Treatment 304.2 All exterior surfaces shall be maintained and in good condition and protected from the elements and decay.

Comments: _____

___ P|F ___ Premise Identification 304.3 Shall have address numbers placed where visible and legible from the street or road fronting the property. Minimum 4 inches high. Numbers shall be in compliance with the numbering guide required or recommended by the Allendale Charter Township Fire Department.

Comments: _____

___ P|F ___ Structural Members 304.4 Free from deterioration and capable of supporting imposed dead and live loads.

Comments: _____

___ P|F ___ Foundation Walls 304.5 Maintained plumb and free from open cracks and breaks and prevent entry of rodents and other pests.

Comments: _____

___ P|F ___ Exterior Walls 304.6 Free from holes, breaks, loose or rotting materials; maintained weatherproof and properly coated to prevent deterioration.

Comments: _____

___ P|F ___ Roofs and Drainage 304.7 Roof and flashing shall be sound, tight and defect free as to not admit rain. Drains, gutters in good repair and free from obstructions.

Comments: _____

___ P|F ___ Decorative Features 304.8 Cornices, belt courses, corbels, terra cotta trim, wall facings maintained in good repair with proper anchorage.

Comments: _____

___ P|F ___ Overhang Extensions 304.9 In good repair and properly anchored and protected from elements.

Comments: _____

P[F] Stairways, decks, porches, balconies 304.10 Structurally sound, good repair, proper anchorage, capable of supporting imposed loads.

Comments: _____

 P[F] Chimneys 304.11 Structurally safe and sound and protected from elements and decay.

Comments: _____

 P[F] Handrails and Guards 304.12 Firmly fastened, in good condition, and capable of supporting imposed loads.

Comments: _____

 P[F] Windows, Skylight and Door Frames 304.13 Kept in good repair, sound, and weather tight

Comments: _____

 P[F] Glazing 304.13.1 Glazing materials free from cracks and holes.

Comments: _____

 P[F] Openable windows 303.13.2 Every window other than fixed, shall be easily openable and capable of being held in position by window hardware.

Comments: _____

 P[F] Insect Screens 304.14 From May 1st through November 1st

Comments: _____

 P[F] Doors 304.15 In good condition and locks shall tightly secure the door.

Comments: _____

 P[F] Basement Hatchways 304.16 Basement hatchways shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

Comments: _____

 P[F] Building Security 304.18 All doors, windows or hatchways for dwelling units, rooms or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

Comments: _____

 P[F] Doors 304.18.1 For new construction, or alterations, remodelings, or replacements in existing buildings, doors providing access to all dwelling units that are rented shall be equipped with a deadbolt lock shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. A sliding bolt for this section shall not be acceptable. All deadbolts shall be in good working order and to be operable inside of the dwelling unit without the use of a key, tool, or combination thereof.

Comments: _____

 P[F] Windows 304.18.2 Operable windows located in whole or part within 6 feet above ground level or a walking surface below that provides access to a dwelling unit shall be equipped with a window sash locking device.

Comments: _____

 P[F] Basement Hatchways 304.18.3 Basement hatchways that provide access to a dwelling unit shall be equipped with devices that secure the units from unauthorized entry.

Comments: _____

Interior Structure

 P[F] General 305.1 The interior of a structure and equipment therein shall be maintained in good repair, structurally sound, and in sanitary condition. This includes the shared or public areas and exterior property.

Comments: _____

 P[F] Structural Members 305.2 All structural members shall be maintained structurally sound, and capable of supporting the imposed loads.

Comments: _____

 P[F] Interior Surfaces 305.3 All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or scraped away paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Comments: _____

 P[F] Stairs and Walking Surfaces 305.4 Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Comments: _____

 P[F] Handrails and Guards 305.5 Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Comments: _____

 P[F] Interior Doors 305.6 Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks.

Comments: _____

Handrails and Guardrails

 P[F] General 306.1 Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nose of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Comments: _____

Rubbish and Garbage

 P[F] Accumulation of rubbish or garbage 307.1 All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Comments: _____

 P[F] Disposal of Rubbish 307.2 Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

Comments: _____

 P[F] Rubbish Storage Facilities 307.2.1 The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

Comments: _____

___ P/F ___ Refrigerators 307.2.2 Refrigerators and similar equipment not in operation shall not be discarded, abandoned, or stored on premises without first removing the doors.

Comments: _____

___ P/F ___ Disposal of Garbage 307.3 Every occupant shall dispose of garbage in clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

Comments: _____

* ___ P/F ___ Containers 307.3.2 The owner of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

Comments: _____

Extermination

___ P/F ___ Infestation 308.1 All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

Comments: _____

___ P/F ___ Occupant 308.5 The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

Comments: _____

Light, Ventilation and Occupancy Limitations

___ P/F ___ Responsibility 401.2 The owner of the structure shall provide and maintain light ventilation and space conditions in compliance with these requirements. A person shall not permit another person to occupy any premises that do not comply with the requirements of this chapter.

Comments: _____

___ P/F ___ Alternative Devices 401.3 In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *Michigan Building Code*, and *Michigan Mechanical Code* shall be permitted.

Comments: _____

Light

___ P|F ___ **Habitable Spaces 402.1** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be included as contributing to the required minimum total window area for the room. **Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being served.

Comments: _____

___ P|F ___ **Common Halls and Stairways 402.2** Every common hall and stairway in residential occupancies, other than in one and two-family dwellings, shall be lighted at all times with at least a 60 watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet.

Comments: _____

___ P|F ___ **Other Spaces 402.3** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

Comments: _____

Ventilation

___ P|F ___ **Habitable Spaces 403.1** Every habitable space shall have at least one openable window. The total openable area of the windows in every room shall be equal to at least 45 percent of the minimum glazed area required in section 402.1. **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

Comments: _____

___ P|F ___ **Bathrooms and toilet rooms 403.2** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

Comments: _____

___ P|F ___ **Cooking facilities 403.3** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit. **Exception:** Where specifically approved in writing by the code official.

Comments: _____

___ P|F ___ **Clothes dryer exhaust 403.5** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with manufacturer's instructions.

Comments: _____

Occupancy Limitations

 P/F Privacy 404.1 Dwelling units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

Comments: _____

 P/F Minimum room widths 404.2 A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

Comments: _____

 P/F Minimum ceiling heights 404.3 Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet. Exceptions: In one and two family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height. Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a ceiling height of 5 feet or more shall be included.

Comments: _____

 P/F Area for sleeping purposes 404.4.1 Every bedroom occupied by one person shall contain at least 70 square feet of floor area and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

Comments: _____

 P/F Access from bedrooms 404.4.2 Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Exception: Units that contain fewer than two bedrooms.

Comments: _____

 P/F Water closet accessibility 404.4.3 Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

Comments: _____

 P/F Prohibited Occupancy 404.4.4 Kitchens and non-habitable spaces shall not be used for sleeping purposes.

Comments: _____

 P/F Other requirements 404.4.5 Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water heating facilities of chapter 5; the heating facilities and electrical receptacle requirements of chapter 6; and the smoke detector and emergency escape requirements of chapter 7. ✓

Comments: _____

 P/F Overcrowding 404.5 Dwelling units shall not be occupied by more occupants than permitted by the zoning ordinance for the particular zoning district in which the property is located.

Comments: _____

___ P/F ___ Food preparation 404.7 All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve food in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage

Comments: _____

Plumbing Facilities and Fixture Requirements

___ P/F ___ Responsibility 501.2 The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not permit another person to occupy any structure or premises, which does not comply with the requirements of this chapter.

Comments: _____

___ P/F ___ Dwelling units 502.1 Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet, and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

Comments: _____

___ P/F ___ Toilet Rooms-Privacy 503.1 Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling

Comments: _____

___ P/F ___ Location 503.2 Toilet rooms and bathrooms serving rooming units, dormitory units, or housekeeping units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

Comments: _____

___ P/F ___ Floor Surface 503.4 In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, non-absorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

Comments: _____

___ P/F ___ General-Plumbing systems and fixtures 504.1 All plumbing fixtures shall be properly installed and maintained in working order, shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed.

Comments: _____

___ P/F ___ Fixture Clearances 504.2 Plumbing fixtures shall have adequate clearances for usage and cleaning

Comments: _____

___ P/F ___ Plumbing system hazards 504.3 Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Comments: _____

___ P/F ___ **General-Water System 505.1** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers, shall be supplied with hot or tempered and cold running water in accordance with the *Michigan Plumbing Code*.

Comments: _____

___ P/F ___ **Contamination 505.2** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

Comments: _____

___ P/F ___ **Supply 505.3** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

Comments: _____

___ P/F ___ **Water Heating Facilities 505.4** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature not less than 110 degrees F. A gas burning water heater shall not be located in any bathroom, toilet room, bedroom, or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief-valve discharge pipe shall be properly installed and maintained on water heaters.

Comments: _____

___ P/F ___ **General-Sanitary drainage system 506.1** Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

Comments: _____

___ P/F ___ **Maintenance 506.2** Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks and defects.

Comments: _____

___ P/F ___ **General-Storm Drainage 507.1** Drainage of roofs and paved areas, yards and courts and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Comments: _____

Mechanical and Electrical Requirements

___ P/F ___ **Responsibility 601.2** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not permit another person to occupy any premises, which does not comply with the requirements of this chapter.

Comments: _____

___ P/F ___ **Facilities required 602.1** Heating facilities shall be provided in structures as required by this section.

Comments: _____

___P|F___ Residential Occupancies 602.2 Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F in all habitable rooms, bathrooms and toilet rooms, based on the winter outdoor design temperature for the locality indicated in Appendix D of the *Michigan Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Exception: In areas where the average monthly temperature is above 30 degrees F, a minimum temperature of 65 degrees F.

Comments: _____

___P|F___ Heat Supply 602.3 Every owner shall supply heat from September 1st to June 1st to maintain a temperature of not less than 68 degrees F in all habitable rooms, bathrooms, and toilet rooms. Exceptions: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be indicated in Appendix D of the *Michigan Plumbing Code*. In areas where the average monthly temperature is above 30 degrees F a minimum temperature of 65 degrees F shall be maintained.

Comments: _____

___P|F___ Occupiable work spaces 602.4 Indoor occupiable work spaces shall be supplied with heat during the period from September 1st and June 1st to maintain a temperature of not less than 65 degrees F during the period the spaces are occupied. Exceptions: Processing, storage and operation areas that require cooling or special temperature conditions. Areas in which persons are primarily engaged in vigorous physical activities.

Comments: _____

___P|F___ Room temperature measurement 602.5 The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

Comments: _____

___P|F___ Mechanical appliances 603.1 All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

Comments: _____

___P|F___ Removal of combustion products 603.2 All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: Fuel-burning equipment and appliances which are labeled for un-vented operation.

Comments: _____

___P|F___ Clearances 603.3 All required clearances to combustible materials shall be maintained.

Comments: _____

___P|F___ Safety Controls 603.4 All safety controls for fuel-burning equipment shall be maintained in effective operation.

Comments: _____

___P|F___ Combustion air 603.5 A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

Comments: _____

___ P/F ___ Energy conservation devices 603.6 Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

Comments: _____

___ P/F ___ Electrical facilities required 604.1 Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and section 605.

Comments: _____

___ P/F ___ Service 604.2 The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *Michigan Electrical Code*. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes.

Comments: _____

___ P/F ___ Electrical system hazards 604.3 Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Comments: _____

___ P/F ___ Installation-Electrical equipment 605.1 All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

Comments: _____

___ P/F ___ Receptacles 605.2 Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one ground-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

Comments: _____

___ P/F ___ Lighting fixtures 605.3 Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

Comments: _____

___ P/F ___ General-Elevators 606.1 Elevators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator, or the certificate shall be available for public inspection in the office of the building operator.

Comments: _____

___ P/F ___ Elevators 606.2 In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. Exception: Where there is only one elevator, it is permitted to be temporarily out of service for testing or servicing.

Comments: _____

___ P/F ___ General-Duct systems 607.1 Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

Comments: _____

Fire Safety Requirements

___ P|F ___ Responsibility 701.2 The owner shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not permit another person to occupy any premises that do not comply with the requirements of this chapter.

Comments: _____

___ P|F ___ General means of egress 702.1 A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *Michigan Building Code*.

Comments: _____

___ P|F ___ Aisles 702.2 The required width of aisles in accordance with the *Michigan Building Code* shall be unobstructed.

Comments: _____

___ P|F ___ Locked Doors 702.3 All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Michigan Building Code*.

Comments: _____

___ P|F ___ Emergency escape openings 702.4 Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

Comments: _____

___ P|F ___ Fire-resistance-rated assemblies 703.1 The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions, and floors shall be maintained in accordance with the *Michigan Building Code* at the time of construction.

Comments: _____

___ P|F ___ Opening Protectives 703.2 Required opening protectives shall be maintained in a working condition. All fire smoke stop doors shall be maintained in working condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or made inoperable.

Comments: _____

___ P|F ___ General fire protection systems 704.1 All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof, shall be maintained in a working condition at all times in accordance with the *International Fire Code*.

Comments: _____

___ P|F ___ Smoke Alarms 704.2 Single or multiple station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4 and in dwellings not regulated in group R occupancies, regardless of occupant load at all of the following locations: On the ceiling or wall outside of each separate sleeping area and in the immediate vicinity of bedrooms. In each room used for sleeping purposes. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings where there are split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple station smoke alarms shall be installed in accordance with the *International Fire Code*.

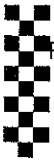
Comments: _____

PF Power Source 704.3 In group R occupancies and in dwellings not regulated as Group R occupancies, single station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over current protection. Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

Comments: _____

PF Interconnection 704.4 Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Exceptions: 1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind. 2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

Comments: _____



Inkster Department of Building & Structural Safety

FAX

To: Kevin DeGroate	517 241 9308
From: Ralph Welton, Chief Development Official	
Date: 8/19/2008	
Re: Rental Ordinance	

Mr. Degroate:

Attached is the Inkster Rental Ordinance as amended to reflect concerns about over-riding the HUD manufactured homes code. You will find that, on page 3 section B, we added language to acknowledge the HUD code ("Federal") and clarify that only "applicable" codes apply. We believe that this addresses the concerns of the commission while still maintaining the universality of our rental ordinance.

Could you please fax or email the letter addressing the September ordinance meeting?

Feel free to call or email with any questions.

Ralph Welton, Chief Development Official
313 563 4265
rwelton@cityofinkster.com

ORDINANCE NO. 8-04

**AN ORDINANCE TO AMEND THE PROVISIONS OF
ORDINANCE NO. 788 AND ORDINANCE NO. 796
OF THE CITY OF INKSTER CODE WHICH REQUIRES THE REGISTRATION OF RENTAL PROPERTIES
AND THE OBTAINING OF A CERTIFICATE OF
COMPLIANCE FOR ALL RENTAL DWELLINGS AND RENTAL UNITS**

The purpose of this Ordinance is to protect and promote the health, safety and welfare of people in residential buildings to be occupied or reoccupied pursuant to a rental or lease agreement by requiring the registration of residential rental properties and the inspection of all buildings and/or structures to be rented or leased for residential living purposes. This Ordinance adopts safeguard controls through reference to other codes and State of Michigan Acts.

PREAMBLE:

The Inkster City Council, in adopting this Ordinance recognizes the growing number of rental units within the City of Inkster and further recognizes the unfortunate decline of many of these rental units and their impact upon the rest of the community. In an attempt to protect the citizens as a whole of the City of Inkster, it is deemed necessary that the within Ordinance be adopted in order to protect the integrity of the residential rental units in the City of Inkster and the health, safety, and welfare of the residents.

THE CITY OF INKSTER ORDAINS:

SECTION 1. – DEFINITIONS. As used in this Ordinance, the following terms shall have the following meanings respectively ascribed to them in this section:

A. *Residential Rental Property* means any building or buildings or any portion of a building to be leased or rented to another for residential use purposes by the owner or possessor of land for any consideration.

B. *Property Maintenance Code* means the International Property Maintenance Code.

C. *State Construction Code* means the Code and rules adopted by the state construction commission pursuant to act No. 230 of Public Acts of Michigan of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.) as amended. The rules adopted include the Michigan Building Code, Michigan Administrative Code R408.30402 et seq.

D. *State Housing Law* means sections 1 through 137 of the State Housing Law, being Act No. 167 of the Public Acts of Michigan of 1917, (MCL 125.401 et seq., MSA 5.2771 et seq.), as amended.

SECTION 2. – STATE LAW ADOPTED. The City hereby adopts by reference sections 1 through 137 of the State Housing Law, being Act No. 167 of the Public Acts of Michigan of 1917, (MCL 125.401 et seq., MSA 5.2771 et seq.), as amended. The city clerk shall keep one copy of the State Housing Law for inspection and used by the public. Each residential rental property shall be required to meet the requirements of the State Housing Law. The Building Department shall be the enforcing agency, as required by the State Housing Law. A separate resolution adopting the State Housing Law, as required by Section 1 of the State Housing Law, was passed by a majority vote of the City Council on the date of adoption of this Ordinance.

SECTION 3. – REGISTRATION. It shall be unlawful for any person to engage in the business of renting residential property without registering the property with the City. Registration is required to be completed by the owner of any building or buildings to be rented or leased for residential use purposes.

A. Application. Applications for registration shall be made on such form and in accordance with such instructions as may be provided by the Building Department, which shall include, but not be limited to, the provision of the following information:

- (1) A sworn statement by the applicant stating that the building, buildings or portion of the building that the person seeks to rent or lease to another, are not in violation of the State Construction Code, the Property Maintenance Code or the State Housing Law;
- (2) The applicant's name, business address (or home address if no business address), and phone number.
- (3) The common address and legal description of each building or portion of building that the applicant seeks to rent or leased to another person
- (4) The number of rental or lease units contained in each such building; such as, the number of apartments.
- (5) The names, business addresses (or home address if no business address), and telephone numbers of all owners of each building or portion of building to be rented; and
- (6) The name, business address, and telephone number of the responsible local agent. Post office boxes or business addresses will be accepted as legal addresses. Where a post office box is provided, a street address will also be provided. All mail will go to the post office box where one is provided. Said registration shall be kept in the Building Department with a copy provided to Code Enforcement. Applicants will also be informed of Certificate of Compliance requirements at the time of registration.

B. One Registration per Owner. Only one registration shall be required per owner regardless of the number of buildings or portions of buildings to be rented or leased and which are owned by the owner. Where there are multiple owners of one property, the owners may provide one registration form, provided that the registration form is signed by all the owners, and each owner's relative interest in each of the properties is the same for each building or portion of a building.

C. Responsible Local Agent. The responsible local agent, as designated by the owner(s), shall be legally responsible for operating each building or portions of the building listed on the registration. Where there are multiple buildings and responsible local agents, it shall be made clear on the application which responsible local agent is responsible for each building or portion thereof. The responsible local agent shall also be responsible for providing access to the buildings or portions thereof for the making of inspections necessary to insure compliance with the terms of this Ordinance. Each responsible local agent shall maintain a current list of the number of occupants in each building or portions thereof for which the local responsible agent is responsible. This shall include, at a minimum, a rent roll listing by address and unit the names of all leaseholders.

D. A Certificate of Compliance shall not be issued if there has not been compliance with the registration provisions of this Ordinance.

E. Registration is Deemed Consent to Inspection of Premises. An owner, by registering, shall be deemed to have given consent to the City of Inkster to enter any of the listed premises on the application, at reasonable times, to inspect the premises so long as those premises are not leased. Leased premises may be inspected subject to notice and consent of tenant, or upon the issuance of an administrative warrant. Owner's leases with tenants shall have provisions requiring tenants to comply with all local laws.

F. Building Department to Maintain Registry. The Building Department shall maintain a registry of owners and properties governed by this Ordinance, which shall list all rental premises in the City, and the owners thereof, a description of the premises, e.g. house, apartment, flat, and whether the premises are vacant or occupied. In the case of multi-tenant buildings, the Building Department may request, and if so requested, the

owner shall provide, a copy of the rent roll for the premises showing which units are occupied and which are vacant.

SECTION 4. - CERTIFICATE OF COMPLIANCE. It shall be unlawful for any person to rent or lease residential property without first obtaining a Certificate of Compliance for each residential rental property from the City. A valid Certificate of Compliance is required to exist for each rented or leased residential property unit at all times.

A. No owner of any residential rental property and no agent of such owner shall hereafter offer to let or hire any residential rental property or any portion thereof, or permit the re-occupancy of any such residential rental property or any portion thereof, after expiration of a Certificate unless the residential rental property has been inspected and a Certificate of Compliance has been issued by the City for the residential rental property and each unit therein. A Certificate of Compliance shall be effective for a period of three (3) years.

B. The Building Department shall cause such inspection to be had, and such certificate to be issued, if the residential rental property meets the minimum requirements of all APPLICABLE State, FEDERAL and City Housing and Building codes, as enumerated in subsections B, C, and D of Section 1 of this Ordinance, within a reasonable time after application therefore and payment of any inspection fee. The Building Department shall schedule inspections in the manner determined by the Building Department to best ensure compliance with this ordinance, while taking into account the resources of the Building Department. The Building Department shall have the ability, in its sole discretion, to schedule the inspection of multiple units of the same property over a period of time, so long as all units of the property are inspected within a three year period. Property owners shall work with the Building Department to determine the most appropriate schedule for inspecting all units of their respective properties. A property owner who requests that inspections of the units on their property occur over a period of time such that more than one visit to the property is required for the first inspection of the units shall pay an additional fee, as determined by resolution of City Council, for each such visit to the property for the first inspection of units. A notice of violation of this ordinance shall not be issued where an inspection has been scheduled but not yet completed. The Certificate of Compliance shall certify that the dwelling unit complied with all applicable provisions of such building and housing codes at the time of inspection. *

C. Fees. A \$10.00 per residential rental property registration fee, regardless of number of units, shall be paid at the time of the issuance of the Certificate of Compliance. Another registration fee will not have to be paid unless there is a transfer of ownership of the residential rental property.

D. Costs. The owner is responsible for reimbursing the City in advance for the cost of the inspection, and any re-inspections of the residential rental property, required for the Certificate of Compliance. An inspection or re-inspection will not take place until the City has been reimbursed for its costs. A schedule of the City's current costs in order to obtain a Certificate of Compliance is available at the Building Department and is set by resolution of the City Council. Any fees and/or costs may be changed from time to time by Resolution of the City Council. If the date of the Certificate of Compliance falls within 90 days of the owner having received a Certificate of Occupancy for the same residential rental property, the costs may be waived.

E. Application. An application for a Certificate of Compliance for each residential rental property shall be made in such form and in accordance with such instructions as may be provided by the Building Director and shall include at least the following information:

- (1) Business name, business address or home address if no business address and phone number of each owner.
- (2) Name or business, business address or home address if no business address and phone number of the Responsible Local Agent.

- (3) Address and number of residential living units contained within the residential rental property.

F. Posting. The Certificate of Compliance and the name, business address and telephone number of the responsible local agent shall be posted in a conspicuous place either within a common area shared by all occupants of a residential rental property. If there is no common area, then a copy of the certificate and the name or business address and telephone number of the responsible local agent shall be posted within each unit.

SECTION 5. - DISCLAIMER OF LIABILITY. A Certificate of Compliance is not a warranty or guarantee that there are no defects in the rental dwelling or unit. The inspection of the land use, exterior posture and interior accessories of the structure is limited to visual inspection only. The City of Inkster does not guarantee or approve by inference any latent, structural, or mechanical defects. The City shall not assume any liability to any person by reason of the inspections required by the Ordinance or the Code adopted herein or the issuance of a Certificate of Compliance or a Certificate of Occupancy.

SECTION 6. - SAVINGS. All proceedings pending and all rights and liabilities existing and acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

SECTION 7. - BALANCE. The balance of said Ordinance shall remain in full force and effect.

SECTION 8. - VALIDITY. Should any section, clause or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be invalid.

SECTION 9. - CONFLICTS. All ordinances in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 10. - PENALTY. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon the conviction thereof, shall be punished by a fine of not more than \$500.00 and the costs of prosecution or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment. Furthermore, the failure to comply with this Ordinance and prosecution by the City under this Ordinance, does not preclude the City from also pursuing whatever remedies the City may also have, including but limited to, pursuing the remedies available to the City under the City's Blight Violations Ordinance and/or the revocation of the property's Certificate of Occupancy.

SECTION 11. - EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption and publication and/or posting as required by law.

Velida Gutierrez-Smith
City Clerk
Inkster, Michigan

Adopted: May 5, 2008
Effective: May 5, 2008
Posted:

635616v8

LAW OFFICES OF
OLSON, BZDOK & HOWARD
A Professional Corporation

James M. Olson *
Christopher M. Bzdok
Scott W. Howard
Tracy J. "TJ" Andrews ‡
Jeffrey L. Jocks
Michael C. Grant
William Rastetter, Of Counsel °
Michael H. Dettmer, Of Counsel

420 East Front Street
Traverse City, MI 49686
Telephone: (231) 946-0044
Facsimile: (231) 946-4807
www.envlaw.com
August 13, 2008

* Admitted in Colorado
‡ Admitted in Texas
° Admitted in Indiana

Mr. Kevin DeGroat
Office of Local Government and Consumer Services
Department of Labor and Economic Growth
P.O. Box 30254
Lansing, MI 48909

RE: Request for formal review by the Manufactured Housing Commission of Acme Township's proposed zoning ordinance provisions regarding manufactured housing communities
Our File N° 5385.35

Dear Mr. DeGroat:

I am writing you on behalf of my client, Acme Township (Grand Traverse County) to request formal review by the Manufactured Housing Commission at its October 15th meeting of the proposed changes Acme would like to make to its zoning ordinance in regard to manufactured housing communities. I am in receipt of your letter to me dated March 12, 2008 with your informal review of these proposed changes, which I much appreciated.

There are three documents I am requesting that the Commission formally review. Acme's proposed manufactured housing community ordinance ("MHCO") is attached as **Ex 1**. It is identical to the ordinance that you reviewed informally, and I am hopeful it will meet with the Commission's approval, as it met with yours.

The second document for the Commission's review is the proposed amended Mobile Home Residential district. **Ex 2** Section 6.5 R-1MH. There has been a slight change from the version that you reviewed informally in that the Section now specifies that, to the extent the supplemental regulations supercede the requirements cited in the MHCO, the supplemental regulations shall control.

The third document is Acme's zoning ordinance, which contains in its Article VII the supplemental regulations that Acme imposes on all land uses in the Township. See **Ex 3** Acme Zoning Ordinance. This is where the majority of the comments in your informal review letter of March 12th were focused. I have attempted below to explain and, to the extent necessary, to justify these regulations. Your comments from your review are in *italics*, and my responses follow.

SECTION 7.1.3 SIDEWALKS-NON MOTORIZED WAYS

Section 7.1.3, p. 55, is a higher standard than R125.1928 that warrants written justification, per Rule R125.1120. The clause, "and other areas as may be designated by the Acme Township Board" essentially gives the board unilateral authority to establish sidewalks and their standards in manufactured housing communities.

RESPONSE:

Section 7.1.3 does not propose a higher standard than R125.1928. R125.1928 specifies how sidewalks are to be constructed, but is silent in regard to under what circumstances sidewalks may be required by a local government. The Mobile Home Commission Act (MCL 125.2301, *et seq.*) and the Michigan Administrative Rules pertaining to manufactured housing (R125.1101, *et seq.*) generally are likewise both silent in regard to what sidewalks may be required in a community.

If Section 7.1.3 is determined by the Commission to propose a higher standard than R125.1928, Acme Township should be allowed to impose such a standard. To the extent that the Township may designate areas in addition to US 31 North and M-72 where sidewalks would be required, that designation would apply uniformly in those areas. Manufactured housing communities would be treated no differently than other land uses. Also, Acme has a legitimate interest in requiring additional sidewalks in these circumstances because of the Township's stated goal to promote pedestrian and non-motorized travel. See **Ex 4**, Acme Master Plan, pg. 66, #5; and pg. 74, #12.

SECTION 7.2.3 ACCESSORY BUILDINGS

Section 7.2.3 may be APPROVED, as long as the standards of subsections 1-3 and 5 do not supercede those setbacks established in governing Rule R125.1941(1).

RESPONSE:

Section 7.2.3 does not propose a higher standard than Rule R125.1941(1), which is silent in regard to where accessory buildings may be placed, as well as to what extent they may occupy the lot.

If Section 7.2.3 is determined by the Commission to propose a higher standard than Rule R125.1941(1), Acme Township should be allowed to impose such a standard. The proposed standard is not designed to generally exclude manufactured homes, and would apply uniformly to all accessory buildings in Acme Township.

SECTION 7.2.8 SUPPLEMENTAL REGULATIONS - M-72 CORRIDOR

Section 7.2.8(2), p. 57. The setback may be APPROVED, subject to the parameters of Rule 125.1944(2). However, the landscaping requirement may be DENIED because it exceeds, absent written justification, the screening standard of Rule R125.1945 and is arbitrary, unreasonable or not in the public interest, per Section 7(1) of the Act.

RESPONSE:

In regard to the setback requirements in Section 7.2.8, if the Commission determines that these are higher standards than those stated in R125.1944, Acme Township should be allowed to impose such standards. It is not unlikely that M-72 in that area will be widened and/or re-aligned in the near future, and the Township is seeking to minimize the impact that this will have on adjacent land uses by requiring larger setbacks along the highway. Also, the proposed standards are not designed to generally exclude manufactured homes, and would apply uniformly to all uses along that section of M-72.

In regard to the landscaping requirement in Section 7.2.8, it does not propose a higher standard than Rule R125.1945. R125.1945 is silent in regard to what landscaping may or may not be required in a community. If Section 7.2.8 is determined by the Commission to state a higher standard than R125.1945, Acme Township should be allowed to impose such a standard. The Township has an interest in shielding land uses from M-72, and vice versa. See **Ex 4** Acme Master Plan, "Transportation," beginning pg. 70. Also, the proposed standard is not designed to generally exclude manufactured homes, and would apply uniformly to all uses along that section of M-72.

SECTION 7.2.10 SERVICE DRIVES

Section 7.2.10 SERVICE DRIVES, p. 58, may be DENIED as a higher standard than Rule R125.1920(2), without definition, explanation and justification.

RESPONSE:

In regard to Section 7.2.10, it does not propose a higher standard than Rule R125.1920(2). Section 7.2.10 requires that certain parcels fronting U.S. 31 or M-72 have one service drive access per parcel. R125.1920(2) is silent on this point. Also, service drives are not roads that are internal to a manufactured housing community, and R125.1920(2) would not apply.

SECTION 7.5.1

Sections 7.3 and 7.4, pp. 60-64, are beyond the Commission's jurisdiction. The same is true of Section 7.5.1, except in application to individual parking spaces, which are, absent written justification, superseded by the governing dimensions established in Rules R125.1920, 1925 and 1926.

RESPONSE:

Section 7.5.1(4) "Fractional Spaces" does not state a higher standard because it would not apply to a manufactured housing community. The parking space requirements stated in Section 7.5.3 for "mobile home park" will not result in fractional spaces.

SECTION 7.5.3(1)(d)

Section 7.5.3(1)(d), p. 66, may be DENIED IN PART because it is an unjustified higher standard. the number of employee parking spaces is, per Rule R125.1926 and 1947, optional and discretionary for the developer, as are parking configurations and arrangements beyond those referenced in Rules R125.1920, 1925 and 1926.

RESPONSE:

Section 7.5.3(1)(d) does not state a higher standard. The referenced Rules are all silent in regard to employee parking. If the Commission determines that Section 7.5.3(1)(d) does state a higher standard, Acme Township should be allowed to impose such a standard. The proposed standard is not designed to generally exclude manufactured homes, and is comparable to the parking requirements for employees that are applied to other uses by Section 7.5.3.

SECTION 7.5.6

Section 7.5.6, pp. 75-78, appears to conflict with Section 1500 of Ex 3. Which is considered applicable? If this section prevails, written justification for this higher standard than rule R125.1945 must be provided.

RESPONSE:

The Township would like to apply Section 7.5.6 to manufactured housing communities, rather than Section 1500 of the proposed ordinance. Section 7.5.6 does not state a higher standard than R125.1945. The Rule is silent in regard to what landscaping may be required in a community.

If the Commission determines that Section 7.5.6 does state a higher standard, Acme Township should be allowed to impose that standard. The proposed standard is not designed to generally exclude manufactured homes, and would apply uniformly to all uses requiring a special use permit, planned unit developments, and mixed use developments or subdivisions (plat or site condominium) requiring site plan review.

SECTION 7.9

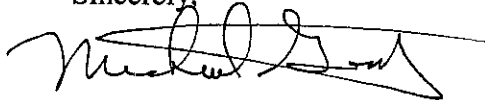
Section 7.9, pp. 86-91, may be APPROVED if supported by written clarification indicating that the minimum illumination standards are met.

Astronomy Professor Jerry Dobek from Northwestern Michigan College in Traverse City was consulted on this issue. See Ex 5, Dobek CV and Email. Professor Dobek is the regional representative for the International Dark-Sky Association, and has authored/co-authored lighting ordinances for the townships in Grand Traverse County, as well as a number of other jurisdictions. Professor Dobek's opinion is that the minimum illumination standards would be met by Section 7.9. See *Id.*

Mr. Kevin DeGroat
August 13, 2008
Page 5

Please do not hesitate to contact me by telephone or email if you have any questions or concerns regarding the above. Thank you again for your attention to this matter.

Sincerely,



Michael C. Grant
mike@envlaw.com

MCG:ral
Enclosures

- Ex 1, Proposed MHCO;
- Ex 2, Section 6.5 R-1MH, proposed amended Mobile Home Residential district;
- Ex 3, Acme Zoning Ordinance;
- Ex 4, Acme Master Plan; and
- Ex 5, Dobek CV and Email.

xc: Acme Twp (w/out enclosures)

G:\WPFILES\RAL\Acme Twp\Amendment 142-MHCO-35\5385 35 08-13-08 ltr to DeGroat re formal review wpd

EX 1

PROPOSED
ORDINANCE _____

pp. 1-14

(Based on model
Ordinance)

No review needed
Is "adoptable"

PROPOSED NEW ARTICLE VIIC
MANUFACTURED HOUSING COMMUNITY ORDINANCE
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MANUFACTURED HOUSING COMMUNITY ORDINANCE

SECTION 100 PREAMBLE

This Article is established to allow the development of state-licensed manufactured housing communities that comply with the requirements of this Article. The preliminary plans, construction and management of a manufactured housing community, or mobile home park, as defined in Public Act 96 of 1987, as amended (the Mobile Home Commission Act (the Act)), shall comply with the standards established and referenced in the Act and the administrative rules promulgated thereunder (the Rules), as provided in this Article.

Manufactured housing community development standards include the anchoring and manufactured home installation specifications; plan review, distance, setback and space requirements; paving and width criteria for internal roads and sidewalks; parking provisions; screening features; safety, lighting and utility regulations established in this Article. A manufactured housing community shall, at minimum, be maintained to the construction standards established under the acts in effect when it was built and legally licensed.

SECTION 200 DEFINITION, MANUFACTURED HOME

Section 210 Construction codes

Minimum specifications for manufactured home construction (including the home plumbing, heating, and electrical systems) shall be those established in the United States Department of Housing and Urban Development's (HUD) Manufactured Home Construction and Safety Standards (24 CFR 3280), if the home was built on or after June 15, 1976, the effective date of these Standards, per 24 CFR 3282.1(a). Section A119.1 of the ANSI (American National Standards Institute) code shall be the minimum construction standard for manufactured homes built before June 15, 1976. A manufactured home whose construction is altered may be required to comply with codes established under 1972 PA 230, the Stille-De-Rossett-Hale Single State Construction Code Act.

Section 220 Definition

"Manufactured home" means a structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. (Section 2(g) of the Act; Rule R125.1101(n))

SECTION 300 DEFINITION, MANUFACTURED HOUSING COMMUNITY

Section 310 Definition

"Manufactured housing community" means a parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. A person, as used in this definition, means an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities. (Sections 2(I) and 2(k) of the Act, Rule R125.1101(h))

Section 320 Operation of a community


A manufactured housing community owner shall operate the community according to the standards established and referenced in the Act and Manufactured Housing Commission Rules.

SECTION 400 DESIGN & LAYOUT

The design, layout, construction and use of a manufactured housing community shall comply with the regulations set forth in this Article, pursuant to the Manufactured Housing Commission Rules. (Rule R125.1942)

SECTION 450 USES THAT MAY BE PERMITTED

Any manufactured housing community may include any or all of the following uses:

- a. Manufactured homes; and
 - b. One permanent building, for conducting the operation and maintenance of the manufactured housing community and such other accessory buildings, including a caretaker's residence, as may be necessary for the normal operation of the community, PROVIDED that such uses shall be located, designed, and intended to serve the day-to-day service needs of persons residing in the community.
- 

SECTION 500 EMERGENCY & SAFETY

Section 510 Disaster, severe weather

A manufactured housing community shall provide each community resident immediately upon occupancy with written information indicating whether the local government provides a severe weather warning system or designated shelters. If a warning system or shelter is provided, the information shall describe the system and the nearest shelter location. (Rule R125.1706)

Section 520 Fire

Act No. 133 of the Public Acts of 1974, being §125 771 et seq. of the Michigan Compiled Laws, which provides for home fire protection, requires that all manufactured homes built, sold, or brought into this state shall be equipped with at least 1 fire extinguisher approved by the national fire protection association and 1 smoke detector approved by the Michigan Bureau of Construction Codes. The homeowner of a manufactured home brought into this state for use as a dwelling shall have 90 days to comply with this requirement, under 1974 PA 133, as amended. The manufactured housing community shall provide its residents with written notification of this requirement, which may be published in the community rules. (Rule R125.1702a)

Section 530 Flood Areas

A manufactured home shall not be placed in a designated floodway, as determined by the Michigan Department of Environmental Quality (MDEQ), per Rule R125.1602(4).

Section 540 General, safety and maintenance

The operator of a manufactured housing community shall maintain community equipment and facilities in a safe, sanitary condition, as required under MDEQ Rules R325.3371 and R325.3374.

Section 550 Pest and animal control

A manufactured housing community operator shall maintain the community in a condition reasonably free of health and safety hazards resulting from insects, rodents and other animals in the care of residents. Accordingly, the manufactured housing community shall comply with the provisions of MDEQ Rules R325.3361 to R325.3363 and R325.3372.

Section 560 Swimming pools

Swimming pools in manufactured housing communities shall comply with Michigan Administrative Code Rules R325.2111 et seq., 1978 PA 368, as amended, and Rule R125.1941(1)(f)

SECTION 600 GARBAGE & RUBBISH DISPOSAL; Sanitation

Each manufactured home site shall use approved garbage/rubbish containers that meet the requirements of Part 5 of the Michigan Department of Environmental Quality Health Standards, Rules R325.3351 through R325.3354. The containers shall be kept in sanitary condition at all times. It shall be the responsibility of the community operator to ensure that all garbage/rubbish containers do not overflow and that all areas within the community are free of garbage/rubbish.

SECTION 700 IN-COMMUNITY HOME SALES

New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed retailer or broker, provided that the manufactured housing community management permits the sale, as established in Section 28a of the Act, and Rules R125.2001a, R125.2005, R125.2006 and R125.2009(e)

SECTION 800 INSPECTIONS

Municipal inspections of manufactured housing communities shall comply with Section 17(2) of the Mobile Home Commission Act. The municipality shall present any evidence of an alleged violation of this Act or standards promulgated under this Act to the Michigan Bureau of Construction Codes, which may refer the available evidence concerning violations of the Act to the Attorney General or the proper prosecuting attorney who, with or without a reference, may take appropriate action, as further provided in Sections 17 and 36 of the Act.

SECTION 900 INSTALLATION & ANCHORING

The installation of manufactured housing on each site within the community shall conform to the requirements of Rules R125.1602 and R125.1602a. All utility connections to homes within the community shall comply with the requirements of Rule R125.1603. Manufactured homes shall be installed with anchoring systems designed and constructed in compliance with the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards (24 CFR 3280.306) and approved for sale and use within Michigan by the Michigan Construction Code Commission, pursuant to Rules R125.1605 and R125.1607.

SECTION 1000 LICENSES & PERMITS

- a. No manufactured housing community shall be operated without a license issued by the Michigan Bureau of Construction Codes, pursuant to Section 16 of the Act.
- b. No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary. Occupancy shall not occur until after local inspections, permit and certificate of occupancy approvals, pursuant to 1972 PA 230, the Stille-DeRossett-Hale Single State Construction Code Act.
- c. Site-constructed buildings erected within the community, such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be examined by the municipality for compliance with all appropriate inspection and permit requirements, pursuant to 1972 PA 230, the Stille-DeRossett-Hale Single State Construction Code Act.
- d. Site plan review shall not be required for individual manufactured homes in a manufactured housing community.

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PROPOSED AMENDED SECTION 6.5 R-1MH

SECTION 6.5 R-1MH DISTRICT: MANUFACTURED HOME RESIDENTIAL:

SECTION 6.5.1 INTENT AND PURPOSE: Recognizing the unique and changing characteristics of this type of residential development, it is the intent and purpose of this district to provide for the development of manufactured housing subdivisions and communities.

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SECTION 6.5.2 USES PERMITTED BY RIGHT:

- (1) Manufactured Housing Subdivision: PROVIDED that said subdivision has by deed restriction been designated solely for occupancy by manufactured homes as defined herein and is subject to all restrictions including area and bulk requirements specified for the R-3 residential district;
- (2) Manufactured Housing Community: PROVIDED that the requirements cited in Article VIIC are complied with.

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SECTION 6.5.3 APPLICATION OF SUPPLEMENTAL REGULATIONS: To the extent that the supplemental regulations set forth in Article VII supercede the requirements cited in Article VIIC, the supplemental regulations shall control.

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✓ **SECTION 7.1.3 SIDEWALKS-NON MOTORIZED WAYS:** Pedestrian sidewalks or non motorized ways shall be constructed to provide pedestrian access along highways U.S. 31 North, M-72 and other areas as may be designated by the Acme Township Board, at such a time as any adjacent parcel is improved either by new construction or improvement to an existing land use. Sidewalks shall be provided in the B-1S, B-2 and B-3 Districts and in planned developments in residential districts. In planned developments interior sidewalks or other non motorized ways available to the public, may be substituted for the provision of this requirement if such substitution is approved by the Township as a part of the site plan.

The upgrading or improvement of an existing land use shall not require the construction of a pedestrian sidewalk should the cost of the sidewalk exceed twenty percent (20%) of the construction or improvement cost. Sidewalk cost shall be based on a fixed amount of \$2.50/sq. foot or a bid price submitted by the property owner from a qualified contractor verifiable by the Township Zoning Administrator. In the event consecutive improvements are made to a property within a three (3) year time period, the cumulative total cost of the separate improvements shall be considered when determining the need for such sidewalk construction.

Sidewalk construction shall meet the following requirements:

- (1) Sidewalk construction shall meet the current construction specifications of the Michigan Department of Transportation
- (2) Sidewalk shall extend across the entire frontage of the property ownership or be located as required by the Township Board as part of a Special Use Permit.
- (3) Sidewalk shall be located whenever possible within the highway right-of-way, however may be located on private property to avoid obstructions or as part of a designated bike path, and shall be located so as to insure connection and continuity with existing or future walks or bike paths on adjoining properties.
- (4) When required, permits must be obtained from the Michigan Department of Transportation.
- (5) Sidewalk maintenance including replacement in the case of inadequate construction as determined by the Zoning Administrator shall be the responsibility of the adjacent parcel owner.
- (6) Sidewalk construction shall be in essential compliance with the Acme Township Major Roadway Sidewalk Plan.

(Sec. 7.1.3 added by Amendment # 75, Adopted 6/3/91; effective 6/10/91.)

SECTION 7.2 SUPPLEMENTARY USE AND AREA REGULATIONS:

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SECTION 7.2.1 SUPPLEMENTARY HIGHWAY SETBACK LINES: Are hereby established parallel to the right-of-way of all public highways located outside of villages, incorporated or unincorporated, subdivisions and plats of record. Such setback lines shall be located outside of the highway right-of-way and shall be equal to one-half (1/2) of the width of the difference between the existing highway right-of-way and that specified as part of the Comprehensive Development Plan. All minimum yard setbacks established in Section 6.11 shall be in addition to such setbacks.

SECTION 7.2.2 USE OF STRUCTURE FOR TEMPORARY DWELLING: No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this Ordinance. No partial structure or other temporary structure whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes for any length of time unless authorized by the Board of Appeals by the issuance of a temporary permit as provided for in Article V, Section 5.3.4, under the following conditions:

- (1) An application for a permit for the location and construction of such temporary dwelling structure shall be approved by the Board of Appeals and the permit issued shall clearly set forth a specified time that such temporary use shall be terminated.
- (2) The location and construction of such temporary dwelling structure shall conform to all of the regulations governing all ordinary structures in the District in which it is situated.

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✓ **SECTION 7.2.3 ACCESSORY BUILDINGS:** Authorized accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway, or similar structure, or they may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it, and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached and not made a part of the principal building shall:

- RULE 941 SETBACKS
- D (1) Not be nearer than ten (10) feet from any other separate structure on the same lot,
 - D (2) Not be erected in any minimum side yard setback nor in any front yard,
 - D (3) Not occupy more than twenty-five percent (25%) of a required rear yard,
 - A (4) Not exceed one (1) story or fourteen (14) feet in height, nor exceed the ground floor area of the main building within Residential Districts,
 - D (5) Not be closer to the side street lot line than the side yard setback of the principal building on corner lot within Residential Districts.

SECTION 7.2.4 MINING OR REMOVAL OF TOPSOIL: Topsoil shall not be striped, excavated, or otherwise removed off any premises on which the topsoil was originally located except as authorized by the Board of Appeals as outlined in Section 8.18.

A **SECTION 7.2.5 OUTDOOR STORAGE:** No land in any District shall be used in whole or in part for the storage of unused or discarded equipment or materials, or for the storage of unlicensed cars, unlicensed motorcycles, Recreational Vehicles, salvage, waste or junk outside of properly authorized buildings within said District, except (1) as required for the storage of usable farm machinery necessary for permitted agricultural uses, (2) as permitted in connection with a use otherwise authorized in the Commercial Districts and (3) for the off-season storage of up to but not exceeding two (2) Recreational

Vehicles on a lot zoned residential, provided the Recreational Vehicles must be licensed or registered to the primary resident of the property on which they are stored.

SECTION 7.2.6 LOT OF RECORD: Any lot existing and of record on the effective date of this Ordinance may be used for any permitted use specified for the District in which such lot is located whether or not such lot complies with the lot area and width requirements of this Ordinance, PROVIDED that all other requirements of this Ordinance are complied with, and PROVIDED FURTHER that not more than one (1) dwelling unit shall occupy any lot except in conformance with the required lot area for each dwelling unit.

SECTION 7.2.7 MINIMUM SIDE YARD SETBACK ON CORNER LOTS: A minimum street side yard setback of twenty (20) feet shall be required on all residential lots; twenty-five (25) feet on all lots in the B-1 and B-2 districts, and forty (40) feet on all other commercial lots. Unless other circumstances dictate, the front yard will be along the street with the greatest number of adjacent lots

SECTION 7.2.8 SUPPLEMENTAL REGULATIONS - M-72 CORRIDOR: The M-72 Highway Corridor is defined as that area lying within three hundred (300) feet of the highway right-of-way either side of Highway M-72 in Acme Township between the highway crossings of Acme Creek in Sections 2 and 35 and Yuba Creek in Sections 1 and 36. The following regulations shall prevail over any other specific district Regulations specified herein and shall apply to all designated zoning districts within the corridor.

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- (1) **Structure Setback.** No structure other than signs, as allowed in Section 7.4, and utility structures, that are not buildings, transfer stations or sub stations, shall be permitted within one hundred (100) feet of the highway right-of-way
 - (2) **Parking Setback & Green Zone.** No parking to be located within fifty (50) feet of highway right-of-way. Fifty (50) feet setback to be Landscaped with informal clusters of trees and shrubs suitable to the soil type encountered
 - (3) **Limited Development Zone.** Maximum building width within three hundred (300) feet of the highway right-of-way shall not exceed forty percent (40%) of lot width measured along the highway right-of-way
 - (4) **Minimum Lot Width.** Four hundred (400) feet existing smaller lots exempt.
 - (5) **Vehicular Access.** One vehicle access shall be allowed for each four hundred (400) foot lot.

(Sec. 7.2.8 added by Amendment #29, Adopted 10/1/84; Effective 10/10/84.)

SECTION 7.2.9 VENDING MACHINES: All vending machines, exclusive of newspaper vending machines, shall be located within a permanent, fully enclosed building. Notwithstanding any other provisions of this Ordinance, newspaper vending machines may be located exterior to a building providing:

- (1) They are not located on a walkway designed for pedestrian circulation as an integral part of the project site plan.
- (2) When multiple machines are located on a single parcel they shall be within a single modular unit provided either by the property owner or the newspaper vender(s).

- (3) Permit required. Venders locating newspaper vending machines under this section shall first obtain a vending machine placement permit from the Zoning Administrator. Such permit shall specify that the vender has the right to place machines at locations identified in the permit within the Township, that the Vender is aware of rules and regulations for the placement of such machines. *(Sec. 7.2.9 added by Amendment #72; Adopted 4/1/91; Effective 4/10/91.)*

SECTION 7.2.10 SERVICE DRIVES: All land in a parcel having a single tax code number, as of the date of this amendment, fronting on highways U.S. 31 or M-72 shall be entitled to one (1) driveway or road access per parcel from said highway. Parcels when subsequently subdivided, either as metes and bounds described parcels, as a plat created in accord with P.A. 288 of 1867 as amended or as a site condominium in accord with Act 59 of 1978 as amended, shall provide access by subdivision roads, other private or public roads or by service drives. Notwithstanding the requirements of the Acme Township Subdivision Control Ordinance No. 80-1, the standards for service drives shall be as follows:

- (1) Width: A minimum of 24 ft. with construction to Grand Traverse County Road Commission standards for base and thickness of asphalt.
- (2) A minimum of fifteen (15) ft. snow storage/landscaping area must be reserved along both sides of the service drive with the edge of the service drive located a minimum of fifteen (15) ft. from the major thoroughfare right-of-way.
- (3) All driveway radii shall be concrete curbs.
- (4) The entrance to the service drive from a public road other than the major thoroughfare shall be at least 150 ft. from the centerline of the major thoroughfare to provide for adequate stacking and maneuvering.
- (5) The service drive shall be a private road maintained by adjoining property owners or users who shall enter into a formal agreement together for the joint maintenance of the service drive.
- (6) Landscaping along the service drive shall be determined by the Town Board. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.
- (7) The Township Board shall review and approve all service drives to insure safe and adequate continuity of the service drive between contiguous parcels.

(Sec. 7.2.10 added by Amendment #74; Adopted 6/3/91; Effective 6/10/91.)

SECTION 7.2.11 RECREATIONAL PERMITS: Property in all districts may be used for recreational purposes such as soccer, baseball, basketball, football, ice skating and hockey on a temporary basis if a permit is obtained. An application for such use shall be made to the Zoning Administrator stating:

- (1) The location of the property;
- (2) The length of time the property will be used for recreational purposes;
- (3) The type of recreational activity involved;
- (4) The dates and times the property will be used as a recreational facility;
- (5) The name of the sponsoring organization; and,

(6) The name and address of the responsible person for the sponsoring organization.

The applicant shall pay a permit fee, as may be established by the Acme Township Board of Trustees. Upon the filing of such application, the Zoning Administrator may issue a permit, and said permit shall limit the time of such use to a period no longer than six (6) months. The Zoning Administration may place reasonable restrictions or conditions upon the granting of the permit. If an application is made for any additional six (6) month period, the applicant shall pay a public hearing fee as may be established by the Acme Board of Trustees and a permit shall not be issued until after a public hearing has been held in front of the Acme Township Planning Commission and, after receiving a recommendation from the Acme Township Planning Commission, the Acme Township Board of Trustees has approved the issuance of the permit.

(Sec. 7.2.11 added by Amendment #91; Adopted 3/3/97; Effective 4/2/97.)

- (2) The term "parking" includes the surface area required for the parking space as specified in Section 7.5.4 (2), and in addition that surface area required for maneuvering lanes. For the purposes of calculating parking area ground coverage, two hundred seventy (270) square feet per required parking space may be utilized regardless of the actual ground coverage utilized.

(Sec. 7.5.2 revised by Amendment #40; Adopted 5/4/87, Effective 5/15/87.)

SECTION 7.5.3 PARKING SPACE REQUIREMENTS: Adequate space for the number of required off-street parking spaces in all Districts shall be provided in accordance with the following minimum requirements. This requirement may be reduced with permission of the Planning Commission.

<u>USE</u>	<u>NUMBER OF PARKING SPACES PER UNIT OF MEASURE</u>
(1) <u>Residential</u>	
a. One-Family, Two Family, Mobile Home	Two (2) for each dwelling unit.
b. Multiple Family	Two (2) spaces per dwelling unit, plus one (1) additional space for every two (2) units.
c. Housing for the Elderly	One (1) for each two (2) units, and one (1) for each employee.
✓ d. Mobile home Park	Two (2) for each mobile home site and one (1) for each employee.
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(2) <u>Institutional</u>	
a. Churches or Temples	One (1) for each three (3) seats in the main unit of worship
b. Hospitals	One (1) for each bed.
c. Nursing, Convalescent	One (1) for each four (4) beds, plus one for each employee on the maximum working shift.
d. Clinics for	Four (4) for each doctor, plus one (1) each employee.
e. Elementary and Junior High Schools	One (1) for each teacher, administrator or other employee, in addition to the requirements of the auditorium.
f. Senior High Schools	One (1) for each teacher, administrator or other employee, and one (1) for each seven (7) students, in addition to the requirements of the auditorium.

✓ **SECTION 7.5.6 LANDSCAPING:** All development applications for Special Use Permits, Planned Unit Developments, mixed use developments or subdivisions (plat or site condominium) requiring Site Plan Review shall be subject to the requirements of this Section

(1) Intent: This Section is intended to:

- a. Improve the appearance of off-street vehicular use areas and property abutting public rights-of-way, thereby reducing conditions which lead to community blight.
- b. Require buffering between conflicting land uses and conflicting zoning districts.
- c. Promote public health, safety and general welfare by reducing noise and air pollution, light glare, soil erosion and thermal heating of the environment.
- d. Protect and preserve the appearance, character and value of the surrounding neighborhoods and parks.
- e. Promote preservation of existing significant vegetation.

(2) Application: When a Site Plan is submitted for Special Use Permit/Site Plan Approval, a Landscape Plan shall be submitted with the Site Plan and shall include the following elements:

- a. Plan scale of not less than 1" = 50' and north arrow.
- b. Existing and proposed topography.
- c. Location and type of all existing vegetation and wetlands.
- d. Location and size of all proposed plant materials.
- e. Zoning of adjacent properties.
- f. Planting list for all proposed landscape materials indicating botanical and common names, sizes, root condition and quantities.

(3) Standards and Criteria:

- a. All plant material shall comply with the most recent provisions set forth by the American Standard for Nursery Stock, ANSI Z60.1.
- b. Plant material shall be healthy, free of insects and diseases and physical damage.
- c. Unless otherwise specified, the minimum size for plant materials installed to meet the requirements of this Ordinance shall be as follows:

1. Canopy (shade) trees 2.5" caliper
(i.e. Oak, Maple, Ash)
2. Evergreen trees 8' height
(i.e. Pine, Spruce, Fir)
3. Ornamental trees:

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| | Single trunk
(i.e. Crabapple) | 2" caliper |
| | Multi-trunk
(i.e. Birch) | 7' height |
| 4. | Large shrubs
(i.e. Viburnum) | 30" height |
| 5. | Small Shrubs
(i.e. Juniper) | 18" spread |
- (Amendment #120; Adopted 4/1/03; Effective 5/1/03)***

- d. Caliper of trunk shall be measured six (6) inches above the ground.
 - e. All landscaping shall be sprinkled by an automatic sprinkling system.
 - f. Earth mounds and berms shall be constructed with slopes no greater than one (1) foot vertical for each three (3) feet horizontal with at least two (2) foot flat on the top with adequate protection to prevent erosion.
- (4) **Buffers and Screening:** All developments abutting R-1, R-2, R-3, R-1MH and A-1 districts shall provide a landscaped buffer. Such buffer shall meet the following minimum requirements:
- a. Purpose: The purpose of this Section is to establish provisions for landscape buffering measures to assist in minimizing the potential visual impacts and conflicts between adjacent non-residential or non-agricultural and residential or agricultural land uses. Further, it is the purpose of this section to protect the health, safety, welfare and property of the citizens of Acme Township, and to promote a high quality visual environment by regulating and controlling the design, location, and use of buffer areas to reduce negative impacts between non-compatible uses
 - b. Standards for Buffer Strips:
 - 1. The buffer area shall be a minimum of twenty (20) feet in width
 - 2. The buffer area may be a part of the minimum yard setback and shall be free of any buildings, driveways, parking, outdoor storage or any use other than open space.
 - 3. Within required buffer areas, a solid and continuous landscape screen shall be planted and maintained. Said landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half (3½) feet in height and of such species as will produce, within three (3) growing seasons, a screen at least six (6) feet in height so as to continually restrict a clear view beyond said buffer strip.
 - 4. In required buffer areas where a natural buffer strip is considered to be impracticable or inappropriate, an opaque fence may be substituted in whole or in part for a natural buffer provided it meets the approval of the Planning Commission.

5. One (1) canopy or evergreen tree shall be planted for every twenty (20) feet or fraction thereof within the buffer area.
6. An obscuring wall, hedge or combination thereof shall be established to form a continuous screen at least six (6) feet in height.
7. An earth berm may be substituted, provided the width of the buffer permits adequate space to allow the construction of a natural looking berm to create a screen of at least six (6) feet in height.
8. Interconnectivity between zoning districts using pathways and sidewalks shall be encouraged when it is determined to enhance the quality of all developments affected.

(5) Right-of-Way Landscaping:

- a. Any required planting strip shall be a minimum of Ten (10) feet in width, except as provided in Section 7.5.6(4).
- b. One (1) canopy or evergreen tree, and five (5) small shrubs shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage. Arrangement of trees and shrubs in clusters or groupings is encouraged, but in no case shall trees be more than thirty-five (35) feet apart.
- c. An obscuring wall, hedge or berm or combination thereof forming a continuous screen at least three (3) feet in height.

(6) Maintenance: It shall be the owner's responsibility to see that the landscaping is maintained in a healthy growing condition, neat, clean, healthy and orderly in appearance. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants when necessary, and the regular watering of all plants. Failure to maintain these landscape areas in such a manner, and to remove and replace dead and diseased plants shall constitute a violation of this Ordinance.

(7) Existing Vegetation:

- a. Credit: In instances where quality and healthy plant material exists on a site prior to its development, the Planning Commission, pursuant to Site Plan approval, may adjust the application of the landscape standards to allow credit for existing, healthy plant material if such existing vegetation is in keeping with and will preserve the intent of this Ordinance.
- b. Removal: Existing vegetation may be removed within five (5) feet of those areas under development, i.e., building footprint, vehicular use areas, sidewalks, outdoor storage, etc. No vegetation shall be removed outside these construction areas unless new canopy or evergreen trees are planted, the total caliper-inch of which shall equal the total caliper-inch of those trees removed. The Planning Commission may allow the removal of vegetation outside the five (5) foot perimeter in order to maintain the general health, safety and welfare of the township and/or the occupants, patrons and neighbors of the development.

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- (8) Plant Substitutions: The Planning Commission or its authorized representative may approve minor revisions to the landscape plans due to seasonal planting problems and/or lack of plant availability. Minor revisions may be approved only when there is no reduction in the quality of plant material, no significant change in size or location of plant material, the new plant material is compatible with the area, and the new plant material is of the same general category (i.e., canopy or evergreen trees) as the material being replaced.
- (9) Completion: A completion bond, a cash deposit, a letter of credit or certified check shall be required to cover the cost of the contemplated landscape and irrigation improvements as estimated by the Zoning Administrator.
(Amendment #120; Adopted 4/1/03; Effective 5/1/03)
- (10) Time Period: The required landscape and irrigation improvements are to be completed within one (1) month of occupancy. The planting season shall be defined as April 1 through November 1, provided that no evergreen trees shall be planted later than September 15. If occupancy occurs in October, the applicant shall have until May 1st of the following year to complete the required improvements.

If these conditions are not met the required completion bond, cash deposit, letter of credit or certified check shall be forfeited and the holdings used to complete the required improvements.
(Amendment #120; Adopted 4/1/03; Effective 5/1/03)

(Sec. 7.5 amended by Amendment #111; Adopted 7/10/00; Effective 7/27/00).

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SECTION 7.8 HOME OCCUPATIONS: May be carried on in residential structures under the following conditions:

- (1) Customary home occupations such as cottage industries, specialty catering, professional offices, dress-making, bookkeeping and accounting, real estate, and insurance sales and similar gainful employment are permitted when carried on by the occupant within either the dwelling or an accessory building, PROVIDED:

Such occupations or uses are intended to provide reasonable flexibility in the application of this ordinance, but such home occupation shall not be allowed if the essential character of a lot or structure within a residential district, in terms of use, traffic generation, noise, odor, vibration, electrical interference or appearance including signage will be changed by the occurrence of such occupations or activities, and the home occupation is not one that commonly has regularly scheduled appointments arriving on a frequent basis with an interval of two (2) hours or less.

- (2) The area utilized shall not exceed one-fourth (1/4) of the floor area of one(1) story of the dwelling whether or not the dwelling or an accessory building is so utilized.
- (3) No outdoor activities and storage are carried on in connection with such use.
- (4) Professional offices shall be occupied by not more than one (1) professional practitioner with no more than one (1) full time equivalent employee unless all additional persons employed are residents members of the family occupying the principal structure.
- (5) No retail or other sales shall be permitted unless they are clearly incidental and directly related to the conduct of the home occupation.
- (6) Signs shall be as specified in Section 7.4.1(2)b and shall meet the appearance standards of this Section and be subject to approval by the Township Planner.

(Sec. 7.8 added by Amendment #84; Adopted 4/4/94; Effective 4/11/94.)

SECTION 7.9 EXTERIOR LIGHTING REGULATIONS:

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SECTION 7.9.1 DECLARATION OF POLICY AND INTENT: The Acme Township Board of Trustees finds and declares that the naturally lit night sky is an important aspect of our environment and a resource which contributes significantly to our quality of life by contributing to the public peace and to the health, safety, and welfare of the residents of and visitors to Acme Township. The essential public purposes that warrant Township regulation of the use of outdoor light fixtures include, but are not necessarily limited to:

- Safety of individuals using outdoor areas for legitimate and necessary purposes after dark
- Minimization of light pollution, which has a detrimental effect on the environment, astronomical research, amateur astronomy, and general enjoyment of the night sky
- Elimination of unnecessary and/or unwanted illumination of adjacent and distant properties
- Conservation of electrical energy-generating resources
- Protection of vehicular and pedestrian traffic from dangerous glare

SECTION 7.9.2 LIGHTING-RELATED DEFINITIONS:

- (1) Automatic Timing Device: A device which automatically turns outdoor light fixtures and/or

circuits on and off. Photo-electric controls and motion detectors are not considered automatic timing devices for the purposes of this Ordinance

- (2) Cut-off Shielding: A technique or method of construction which causes light emitted from an outdoor light fixture to be projected only below an imaginary horizontal plane passing through the fixture below the light source.
- (3) Light Pollution: Artificial light which causes a detrimental effect on the environment, astronomical observation, enjoyment of the naturally-illuminated night sky or causes undesirable glare or unnecessary and/or unwanted illumination of adjacent or even distant properties.
- (4) Light Source: The bulb or other element in an outdoor light fixture which emits light.
- (5) Motion Detector: A device triggered by motion and used to energize light source(s).
- (6) Outdoor Light Fixture: An illuminating device which is permanently installed outdoors, including but not limited to devices used to illuminate signs.
- (7) Security Lighting: Such outdoor light fixtures and/or practices intended to discourage intrusion on the premises by unwanted persons.
- (8) Shielding: In general, a permanently-installed, non-translucent shade, cowl, hood, baffle, or other construction which limits, restricts, or directs light or the visibility of a light source to meet the standards of this Article.
- (9) Yard Lighting: Such outdoor light fixtures and/or practices intended for the convenience, enjoyment, and safety of a property owner or tenant or guest.

SECTION 7.9.3 EXTERIOR LIGHTING STANDARDS:

- (1) Commercial and Industrial Zones and Land Uses: All outdoor light fixtures and lighting practices shall conform with either Item (a) or (b) following and with all of the remaining items in this Section:
 - (a) All exterior light fixtures EXCEPT gas lighting; glass tubes filled with Neon, Argon, or Krypton; and/or small decorative fixtures such as porch lights shall have full cut-off shielding that:
 1. Prevents light sources from being visible beyond the boundaries of the property on which they are installed, and
 2. Prevent lights rays from being directed above an imaginary horizontal plane passing through the fixture below the light source, and
 3. Protects vehicular and pedestrian traffic from unnecessary and/or dangerous glare from the intense light of directly visible light sources.
 - (b) Exterior lighting shall be designed and installed to conserve electrical energy by:
 1. Using fixtures with good optical control to distribute light in the most efficient manner.
 2. Using the minimum amount of light to meet the lighting criteria set forth by the Illuminating Engineers Society of North America (IESNA) for safety and visibility

relevant to the land use where the lighting is installed.

3. Using sodium light sources where required and wherever else feasible.
 4. Energizing light fixtures only when necessary in relation to the land use where the lighting is installed by means of automatic timing devices and/or through the use of motion detection devices on security lighting.
 5. Acme Township can require unnecessary light fixtures be turned off between 11:00 p.m. and sunrise.
- (c) Sodium light sources shall be used for street lighting, parking lot lighting and for security lighting when such security lighting is not to be energized by motion detection devices.
 - (d) All outdoor recreational facilities, including but not limited to: tennis courts; baseball, football, soccer, and softball fields; ski runs and trails; and golf courses and driving ranges shall be illuminated with fixtures equipped with full cut-off shielding as needed to direct and restrict light to the playing surface, playing air space, and immediately surrounding areas, and to eliminate glare in the night sky and unnecessarily reflected light on adjacent or distant properties.
 - (e) Floodlights shall be directed downward and shielded so that the light source is not visible from roadways or adjacent properties, and shall be located and directed so that light is not unnecessarily reflected onto adjacent properties or into the night sky.
 - (f) In addition to fixture design and shielding, architectural and landscape design features may be incorporated into an outdoor lighting plan in order to comply with the intent and requirements of this Ordinance.
 - (g) The following lighting types and/or practices are PROHIBITED as being contrary to the expressed intent of this Ordinance:
 1. Searchlights, lasers, or other high-intensity lights designed or used primarily to light the sky for advertising or entertainment purposes.
 2. Broad-spectrum lighting, such as quartz and mercury vapor lighting, due to the broad spectrum of visible light these light sources emit and because of the diffusive and reflective characteristics of such light.
 - (h) The following LIMITATIONS apply to exterior lighting in order to uphold the intent and requirements of this Ordinance:
 1. Advertising Signs:
 - (a) Illuminated advertising signs must be turned off no more than one (1) hour after the close of business and may be turned on no earlier than one (1) hour before the opening of business except by special permission granted as a condition of site plan approval.
 - (b) All fixtures or circuits illuminating advertising signs shall be equipped with automatic timing devices.

- (c) External illumination on advertising signs, billboards, advertising kiosks, and information boards shall:
 - 1. Be mounted at the top of the sign or sign structure
 - 2. Employ full cut-off shielding as required to direct the light onto the sign and/or sign structure face only and to shield the light source from the view of vehicular and pedestrian traffic and adjacent properties.
 - (d) Internally illuminated advertising signs, billboards, advertising kiosks, and information boards shall have a dark background with lighter-colored translucent (NOT transparent) lettering, logos, and/or designs.
 - (e) No sign shall incorporate flashing or moving lights, and all signs shall comply with the requirements of Section 7.4, Signs.
2. Parking Lots and Other Vehicular Use Areas:
- (a) Parking lots shall be illuminated only when in use during regular business hours, for a brief period of time after regular business hours until all members of the public and employees have left the premises, and for a brief period of time before regular business hours when employees are arriving at the premises.
 - (b) If entrance and traffic marker lights along access roads and drives, in parking lots, and/or along pedestrian ways are approved as part of a site plan, they shall be of a sodium type and equipped with full cut-off shielding that prevents the light source from being visible to vehicular and pedestrian traffic.
 - (c) Security lighting may be approved as part of a site plan, and if approved shall be directed away and/or shielded from view by vehicular and pedestrian traffic and adjacent properties.
3. Outdoor Display Areas and Architectural Lighting:
- (a) Building facades may be lit from the top in a downward direction, employing lighting fixtures with full cut-off shielding and any additional shielding that may be required to hide the light source from view by vehicular and pedestrian traffic and adjacent properties.
 - (b) If an outdoor display area, including but not limited to automobile or equipment dealer displays or storage lots, is approved as part of a site plan, such area may be illuminated until 11:00 p.m.
 - (c) Metal halide lighting may be used as a minor portion of a lighting plan if it will reduce disability glare. Such fixtures shall be equipped with full cut-off shielding and project the minimum amount of light necessary for good visibility.
- (2) Residential and Recreational Zones and Land Uses:
- (a) All outdoor light fixtures shall have full cut-off shielding such that no light is emitted above an imaginary horizontal plane passing through the fixture below the light source regardless of type or wattage SUBJECT TO THE FOLLOWING EXCEPTIONS:
 - 1. Gas lighting
 - 2. Glass tubes filled with Neon, Argon or Krypton
 - 3. Small decorative fixtures such as residential porch lights.

- (b) Broad-Spectrum lighting, such as quartz and mercury vapor lighting, is PROHIBITED due to the broad spectrum of visible light these light sources emit and because of the diffusive and reflective characteristics of such light.
- (c) The following LIMITATIONS apply to residential exterior lighting in order to uphold the intent and requirements of this Ordinance:
 - 1. Residential security lighting shall be energized by motion detectors unless otherwise permitted as a condition of site plan or land use permit approval. Security lighting shall be shielded from view by vehicular traffic and adjacent properties.
 - 2. Residential yard light fixtures shall employ a sodium light source with full cut-off shielding.

SECTION 7.9.4 APPROVED MATERIALS: The provisions of this Ordinance are not intended to prevent the use of any design, material or method of installation, even if not specifically prescribed by this Ordinance, provided that such alternative has been approved by the Planning Commission and meets or exceeds Illuminating Engineers Society of North America (IESNA) standards at the time of proposal.

SECTION 7.9.5 EXEMPTIONS: The following uses and activities shall be EXEMPT from the Exterior Lighting Regulations:

- (1) Emergency Equipment
- (2) Holiday decorations, PROVIDED that decorative exterior lighting shall not include searchlights, floodlights, stroboscopic lights, or lights which create glare or distractions that pose a potential danger to vehicular or pedestrian traffic or unnecessary and unwanted glare in the night sky.
- (3) All outdoor light fixtures producing light directly from the combustion of fossil fuels such as kerosene lanterns or gas lamps.
- (4) Voluntary compliance with the intent of this Ordinance by any use or facility exempt from its requirements is encouraged.

SECTION 7.9.6 RELIEF FROM EXTERIOR LIGHTING REGULATIONS: Applications for relief from the regulations of this Ordinance may be made to the Acme Township Zoning Board of Appeals pursuant to Article V of the Zoning Ordinance. Any ruling granting relief shall contain all conditions upon which said permit has been granted, including but not limited to the effective dates, times, locations and specifications of the lighting fixtures and plans permitted.

SECTION 7.9.7 CONFLICTS: Where any provision of the statutes, codes or laws of the United States of America, the State of Michigan and/or the County of Grand Traverse shall conflict with any of the provisions of this Ordinance, the most restrictive provisions shall apply unless otherwise required by law.

SECTION 7.9.8 VIOLATION AND ENFORCEMENT:

- (1) It shall be unlawful for any person to violate any of the provisions of this Ordinance.
- (2) Any person who shall violate any provision of this Ordinance shall be subject to the

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penalties set forth in Article XII of the Zoning Ordinance.

- (3) The Zoning Administrator or their agent is hereby empowered to enforce this Ordinance.
- (4) The Zoning Administrator or their agent shall notify each Land Use Permit applicant that compliance with the provisions and regulations of this Article is a condition of any Land Use Permit granted.

SECTION 7 9.9 SEVERABILITY: If any provision, clause, sentence, sub-sentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect impair or invalidate the remainder thereof, but shall be confined in its operation to the provision, clause, sentence, sub-sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment is rendered.

This amendment to the zoning map shall become effective on April 22, 2006.

RECEIVED
LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

AUG 15 2008

OFFICE OF LOCAL GOVERNMENT
& CONSUMER SERVICES

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PROF. ,
DOBER'S
JUSTIFICATION
FOR

SECTION 7.9 (ILLUMINATION)
pp. 86 - 91

Vita for Gerald O. Dobek

Gerald Orin Dobek

Born:

Education:

Novi High School

A.S. Mathematics & A.A. General Liberal Studies; Northwestern Michigan College

B.S. Mathematics w/Distinction; Trinity College & University

B.S. Mathematics; Ferris State University

M.Sc. (Hons) Astronomy & Astrophysics w/Distinction; University of Western Sydney

DoA Astronomy; James Cook University

Ph.D. finalist Astronomy & Astrophysics; James Cook University

Continuing Education:

University of Toronto

James Cook University

University of Arizona

Employment:

Faculty - Professor of Astronomy; Northwestern Michigan College Traverse City, MI

Observatory Director Joseph H. Rogers Observatory; Traverse City, MI

Memberships:

American Astronomical Society (AAS)

Astronomical Society of the Pacific (ASP)

American Association of Variable Stars (AAVSO)

Royal Astronomical Society of Canada (RASC)

Mathematical Association of America (MAA)

International Dark Sky Association (IDA)

Grand Traverse Astronomical Society (GTAS) (past President)

National Aeronautics and Space Administration/ Jet Propulsion Laboratory (NASA/JPL)

Phi Theta Kappa Society (Lifetime Member)

Grand Traverse County Planning Commission (past chairman)

Awards:

Four-Year Honor Student; Novi High School

Art Moenkhaus Scholarship; NMC

Finalist Adult Student of the Year; NMC (1998)

Friends of the Observatory; NMC/GTAS (1994)

National Dean's List (1992-93)

Who's Who Among American Teachers (2000, 2004 & 2005)

Imogene Wise Award for Adjunct Faculty; NMC (2002)

NASA/JPL Distinguished Service (2002, 2003 & 2005)

University Medal Finalist; UWS 1st in University; (2003)

Manchester Who's Who Among Executives and Professionals

Cambridge Who's Who Among Professionals

Jerry Dobek is a professional astronomer and faculty instructor at NMC. He has taught astronomy and mathematics for NMC as an adjunct from 1987 until 2002 when he became a full time faculty instructor. His interests in astronomy and space science began in the early 1960's. Jerry holds memberships with the AAS, ASP, AAVSO, RASC, IDA, MAA, GTAS, and is a lifetime member of Phi Theta Kappa. His research interests are in variable stars and dark material, which he conducts from his own observatory north of Traverse City, Michigan. Jerry is also the site coordinator / site director for Project ASTRO and Project Family ASTRO for the Michigan and Upper Wisconsin sites, and serves as the regional Solar System Ambassador for NASA / JPL. Jerry is the regional representative for the International Dark-Sky Association and has authored/co-authored lighting ordinances for the townships in Grand Traverse County, various townships throughout Michigan, as well as ordinances in Arizona, California, Hawaii, Massachusetts, New Jersey, and Australia. His personal interests are astrophotography and writing / playing music on his 6 & 12 string guitars. Jerry's photos of comets Hyakutake and Hale Bopp are part of NASA's archive images of comets.

Michael C. Grant

From: Michael C. Grant
Sent: Thursday, August 07, 2008 3:03 PM
To: 'degroatk@michigan.gov'
Cc: Ruth Ann Liebzeit
Subject: FW: Question regarding Acme Township darksky ordinance

Mr. DeGroat,

In response to your concerns regarding Acme Township's dark sky ordinance, in regard to if it would comply with the state's lighting regulations for manufactured housing communities, I queried our local expert on dark sky lighting, Jerry Dobek. Mr. Dobek is an astronomy professor at Northwestern Michigan College in Traverse City and helped the Township design its dark sky ordinance, as well as has reviewed proposed developments for dark sky compliance. Here are his vitals:

<http://www.nmc.edu/science-math/faculty.php>

Below you'll find Prof Dobek's thoughts about whether Acme's ordinance would conflict with the state's regulation. Please let me know, if you would, if this email exchange might satisfy the Commission's concern in this regard. Thanks.

Mike Grant
Olson, Bzdok & Howard

From: Jerry Dobek [mailto:JDOBEK@message.nmc.edu]
Sent: Thursday, August 07, 2008 2:16 PM
To: Michael C. Grant
Subject: Re: Question regarding Acme Township darksky ordinance



Hi Mike,

Yes, the Acme Ordinance meets those standards. That's why I did NOT want numbers of lumens put in the ordinance. It only calls for full cut-off fixtures and the preferred use of High Pressure Sodium lighting.

Those guidelines are correct. Main intersection points and entrances should be at about 0.15 average lumens with 0.05 average in parking areas.

In answer to your question; No, the Acme Ordinance would not prevent achieving those minimum levels. Remember, any site plan must include a photometric layout of the site to be certified by a lighting engineer or lighting firm and is subject to review by the planning commission. This takes the "monkey" off the backs of the planning commission and places the burden on the developer.

Over-lighting is often the problem, but if everyone sticks with those levels, AND uses full cut-off fixtures, then the problem of glare is minimized. This provides the safest environment for everyone.

Let me know if you need more on this Mike. I'm off to Jackson, MI this weekend, but will be around most of next week.

Cheers,

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8/7/2008

Jerry

hael C. Grant" <Mike@envlaw.com> 8/7/2008 12:13 PM >>>
Professor Dobek,

I am one of the attorneys that works for Acme Township. John Hull has told me that you have consulted with the Township on their dark sky ordinance. I would appreciate if you could answer a question for me about the ordinance.

Acme is in the process of updating their manufactured housing community (aka, mobile home park) ordinance to bring it into compliance with the state's rules. The state extensively regulates this use, and does not allow local governments a great deal of latitude in imposing their own regulations. One regulation that the state has is in regard to lighting in manufactured home communities:

R 125.1929 Vehicular and sidewalk systems; illumination levels.

Rule 929. Except in a seasonal community, all vehicular and sidewalk systems within a community shall be illuminated as follows:

(a) Access points shall be lighted. If the adjacent public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the thoroughfare.

(b) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall be not less than .15 footcandles.

(c) Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 footcandles.

I have pre-viewed Acme's dark sky ordinance with a staffer at the state office that reviews local government ordinance and the staffer has raised a red flag that the ordinance may not meet this standard. In other words, that the kind of fixtures and lighting sources that would be required under Acme's ordinance in a manufactured housing community would not provide the minimum illumination levels that are required by the above (.15 and .05 footcandles).

The question I have for you, if you're willing to take it up, is whether you believe that the dark sky ordinance would prevent these minimum levels from being achieved.

Any help you could give me would be much appreciated. Please contact me with any questions or concerns.

Mike

Michael C. Grant
Olson, Bzdok & Howard, P.C.
420 East Front Street
Traverse City, MI 49686
231/946-0044 (ph)
231/946-4807 (fax)
mike@envlaw.com
www.envlaw.com

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8/7/2008

Bureau of Construction Codes
Manufactured Housing Commission

PROPOSED 2009 MEETING SCHEDULE

<u>Date</u>	<u>Location</u>
February 11, 2009	2501 Woodlake Circle, Okemos, Conference Room #3
April 15, 2009	2501 Woodlake Circle, Okemos, Conference Room #3
June 17, 2009	2501 Woodlake Circle, Okemos, Conference Room #3
August 19, 2009	2501 Woodlake Circle, Okemos, Conference Room #3
October 14, 2009	2501 Woodlake Circle, Okemos, Conference Room #3
December 9, 2009	2501 Woodlake Circle, Okemos, Conference Room #3

Ordinance Review Committee

January 14, 2009	2501 Woodlake Circle, Okemos, Conference Room #2
March 11, 2009	2501 Woodlake Circle, Okemos, Conference Room #2
May 13, 2009	2501 Woodlake Circle, Okemos, Conference Room #2
July 15, 2009	2501 Woodlake Circle, Okemos, Conference Room #2
September 9, 2009	2501 Woodlake Circle, Okemos, Conference Room #2
November 10, 2009	2501 Woodlake Circle, Okemos, Conference Room #2

Meetings are scheduled to begin at 10:00 a.m. Dates, times and locations are subject to change. Additional meetings may be added as necessary.

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Brenda Caron at (517) 241-9317 at least 10 work days before the event. DLEG is an equal opportunity employer/program.

PENDING LICENSE APPROVALS
OCTOBER 15, 2008 – MANUFACTURED HOUSING COMMISSION

INSTALLER/SERVICER	RETAILER
Bryan G. Larman Larman Home Repair 8138 Willard Road Millington, MI 48746	